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No. 85-54615

MARGARET FAULKINBURY, Individually and as Independent Executrix of the Estate of VIRGIL FAULKINBURY	*	IN THE DISTRICT COURT OF
VS.	*	HARRIS COUNTY, T E X A S
BROWN & WILLIAMSON TOBACCO CORPORATION, FLEMING COMPANIES, INC., FLEMING FOODS OF TEXAS, INC., THE TOBACCO INSTITUTE and THE COUNCIL FOR TOBACCO RESEARCH - U.S.A., INC.	*	61ST JUDICIAL DISTRICT

DEPOSITION OF

MARGARET FAULKINBURY

August 11, 1986
Four Seasons Hotel, 1300 Lamar
Houston, Texas

Reported by:

C. DIXON TOWERY, III
Texas CSR No. 2635/Notary Public
Nell McCallum & Associates
2900 Smith, Suite 104
Houston, Texas 77006
(713) 523-3767

Taxable Cost: $_____
Charged to Paul E. Stallings, Bar No. 19019000
Attorney for Defendant Brown & Williamson Tobacco Corporation

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For the Defendant The Council for Tobacco Reasearch - U. S. A., Inc.:

Marc D. Hurt, Esq.
Bracewell & Patterson
2900 South Tower Pennzoil Place
Houston, Texas 77002

Also Present:

Virginia Colton
Lisa Paulson

****

Deposition of MARGARET FAULKINBURY, a witness called by the Defendants on August 11, 1986, at the Four Seasons Hotel, 1300 Lamar, Houston, Texas, commencing at 10:00 a.m., before C. Dixon Towery, III, CSR No. 2635 and Notary Public in and for the State of Texas.

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P R O C E E D I N G S

MR. LaGARDE: How about stipulations?

MR. STALLINGS: We'd like Mrs. Faulkinbury to sign her deposition, but the timing of her signature and return is not a matter of any particular importance.

MR. LaGARDE: Reserve objections to form and responsiveness?

MR. STALLINGS: To time of trial, yes.

MARGARET FAULKINBURY,

being duly sworn, testified as follows:

EXAMINATION BY MR. STALLINGS:

Q. Would you state your name, please, ma'am?

A. Margaret Faulkinbury.

Q. Mrs. Faulkinbury, my name is Paul Stallings. I'm a lawyer. I practice with Vinson & Elkins in Houston. I'm one of the lawyers that represent Brown & Williamson Tobacco Corporation. Do you understand who I am?

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A. Yes.

Q. With me is Gordon Smith and Dan King from the firm of King and Spalding, who also represent Brown & Williamson. Over there is Mr. Bates, who represents the Fleming Company; Mr. Marr, who represents The Council for Tobacco Research. Those entities are also defendants in your litigation. Down at the right is Virginia Colton, who is a legal assistant with my law firm.

If, during the course of your deposition, I ask you a question which is unclear to you, that you do not understand, please stop me, tell me you don't understand what I'm driving at; and I'll be glad to rephrase the question. I would like to leave the deposition with you and I having communicated with each other and you having given responses to questions that you understand. So if you don't understand the question, tell me that I'm not being clear to you; okay?

A. (Nodding head)

Q. You're going to need to speak up, also, in order that the Court Reporter can take an audible response from you. Will you do that for me?

A. Yes.

Q. Are you taking any kind of medication, Mrs. Faulkinbury?

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A. Yes.
Q. What do you take?
A. Thyroid.
Q. Anything else? Any other kind of medication?
A. No.
Q. If at any time you would like to take a break, that's fine. All you have to do is to tell us, and we will do that. We want to do this in a manner as comfortable to you as possible. So if you wish to take a break, just say, "Let's take a break"; and we'll be glad to do that. Okay?
A. Okay.
Q. Have you remarried since Mr. Faulkinbury's death?
A. No.
Q. Tell me your full maiden name.
A. Margaret Ann Gauntt.
Q. And how do you spell Gauntt?
A. G-a-u-n-t-t.
Q. Tell me where and when you were born, please, ma'am.
A. I was born in Bryans Mill, Texas.
Q. All right.
A. And February 2, 1936.
Q. Where is Bryans Mill? What part of the state

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is that?
A. It's northeast.
Q. Is it pretty near Texarkana?
A. Yes.
Q. About how far is it from Texarkana?
A. I don't know. Probably about 50 miles.
Q. Where were you raised, Mrs. Faulkinbury?
A. At Simms, Texas.
Q. Where is that?
A. From Texarkana?
Q. Yes.
A. About 35 miles.
Q. Did you go to school there in Simms?
A. Yes.
Q. And how far did you go in school?
A. Twelfth grade.
Q. Did you graduate from Simms High?
A. Yes.
Q. And that would have been about what year?
A. '53.
Q. Did you have a particular religious faith or church that you belonged to before you met Mr. Faulkinbury?
A. Yes.
Q. What was it?

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A. Baptist.

Q. You were raised in the Baptist church, were you?

A. Yes.

Q. How old were you when you moved to Simms?

A. I don't know. I don't remember.

Q. Did you go all the way through school at Simms?

A. Yes.

Q. After your graduation in about 1953 from Simms High School, then where did you live?

A. At Hooks, Texas.

Q. And did you move to Hooks alone, or did your family move to Hooks?

A. No. I moved alone.

Q. How long did you live in Hooks?

A. About a year.

Q. And then where did you live?

A. [DELETED]

Q. Tell me where you live now.

A. I don't remember the address, because I get my mail at a box. I live on [DELETED]

Q. You live in [DELETED] do you?

A. [DELETED] yes.

Q. And you live on [DELETED]

A. Yes.

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Q. And you receive your mail by post office box?
A. Yes.
Q. If I wanted to write you, how would I write a letter?
A. My post office box.
Q. You'll have to tell me what it is. P. O. --
A. [DELETED]
Q. [DELETED]
A. Un-hun.
Q. And when you indicated that it was a temporary residence, what did you mean by that?
A. It's a temporary residence that I live there where my husband lived.
Q. When you say "temporary residence," you have plans to move somewhere else, or what?
A. I don't have any plans right now. I don't know what I'm going to do.
Q. Okay. Is the residence there on [DELETED] a mobile home, or is that an apartment or is that a house? What is that?
A. It's a mobile home.
Q. And who owns the mobile home?
A. I'm buying it.
Q. You do. In other words, you're purchasing it right now?

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A. Right.

Q. Are you buying it from one of Mr. Faulkinbury's relatives or --

A. No.

Q. Is it a residence that you and he had started buying before his death?

A. Yes.

Q. Who else lives there with you?

A. No one.

Q. And how long have you lived there on [DELETED]

A. Since '82.

Q. Okay. I understand that you married Mr. Faulkinbury in 1964; is that correct?

A. I think that's correct.

Q. Could you take me through the years 1954 through 1964 and tell me where you lived, please?

A. Texarkana.

Q. Okay. In that entire decade after you moved from Hooks to Texarkana, you resided there in Texarkana until you married Mr. Faulkinbury?

A. Yes.

Q. During that period of time, where did you live in Texarkana?

A. I don't remember all the addresses.

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Q. Okay. Do you remember any of them?
A. Yes.
Q. Did you live -- tell me whichever ones you remember.
A. I lived on Cherry Street. That's all I remember.
Q. Where were you and Mr. Faulkinbury residing at the time of his death?
A. [DELETED]
Q. Now, is that the [DELETED] ?
A. I don't understand what you're saying.
Q. [DELETED] , is that in any fashion related to the location of where you were living; or is that just a post office box at the Post Office there?
A. Yes.
Q. When did y'all move to [DELETED]
A. When I told you.
Q. Did Mr. Faulkinbury -- you and he both move there in 1982?
A. Yes.
Q. Did he live there in 1982 during your separation and while y'all were divorced?
A. Yes.
Q. Where did you and Mr. Faulkinbury reside immediately before living on [DELETED]

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A. Nash, Texas.

MR. STALLINGS: Mr. LaGarde, here's an extra copy of her answers to interrogatories. Why don't we show those to her? That may facilitate these questions. And look on about question 16.

Q. Mrs. Faulkinbury, showing you your answer to question 16 down on the very bottom there, you've indicated to us that from '82 until Mr. Faulkinbury died, you lived at [DELETED]

Now, is that the --

A. That's the [DELETED]

Q. That's the [DELETED] address; okay.

Y'all moved there in 1982. And before that, you were living in Nash, Texas, from 1980 to 1982; right?

A. Yes.

Q. Did you remember -- in Nash, you were at 1300 New Boston Road; right?

A. Yes.

Q. Were you renting there?

A. We rented a lot there.

Q. Did you have the same mobile home?

A. No.

Q. A different one?

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A. Yes.

Q. Did y'all own the one that you lived in when you were living in New Boston -- I mean in Nash. I'm sorry.

A. Yes.

Q. Where is Nash in relation to Texarkana?

A. It's just a little suburb.

Q. Across the river on the Texas side?

A. It's not across the river. It's just on the Texas side.

Q. It's on the Texas side of the border?

A. Right.

Q. Before you lived in Nash, you apparently lived in Texarkana at 2225 East Street; is that correct?

A. I think that's correct.

Q. And was that another location where you were residing in a mobile home, or was that a house or what?

A. No. It was an apartment.

Q. And before living on East Street, you lived from '76 to '78, according to these answers, on 503 Miller Street; right?

A. Yes.

Q. Was that another apartment, Mrs. Faulkinbury?

A. No.

Q. Tell me what kind of a residence that was on

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Miller Street.

A. It was a mobile home.

Q. Was that one that y'all rented, or was that one you owned at that time?

A. We owned it.

Q. Now, the Miller Street address that you lived at in 1970, is that the first residence that y'all lived in in Texarkana after moving from El Paso?

A. Yes.

Q. From '72 until '75, you lived in El Paso, Texas?

A. Yes.

Q. And there you lived at 12433 Desert View Street?

A. Yes.

Q. Was that an apartment or a house or mobile home facility? What kind of residence was that?

A. It was a mobile home.

Q. Before going to El Paso, you'd lived at the same location on Miller Street in Texarkana from -- in 1971 and 1972; is that correct?

A. I think so, yes.

Q. And before that, from -- looks like May of '70 into the year 1971 you lived at 5816 Vanguard in El Paso?

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A. Yes.
Q. Were you living in a mobile home there?
A. No.
Q. What was that, an apartment?
A. No.
Q. House that you were renting?
A. No, we didn't rent it.
Q. House that you were purchasing?
A. Yes.
Q. Do you see in the second paragraph of your answer to 16 there, Mrs. Faulkinbury, you tell us that '68 to '69, you resided at 4905 Ridgeway. And that was in Texarkana. What kind of residence was that?
A. A house.
Q. That y'all were buying or one that you were renting?
A. Yes.
Q. And then after that, from 1969 until 1970, you lived on East 30th Street in Texarkana. Tell me what kind of residence that was, please.
A. It was a house.
Q. That you were renting or buying?
A. Buying.
Q. Looking up at the previous paragraph, you tell us that from '64 to '67, you lived at 1315 Hickory

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Street in Texarkana with yourself and your children. What kind of residence were y'all living in then?

A. A house.

Q. That you were buying?

A. Yes.

Q. And was that the first place that y'all lived after you got married?

A. Yes.

Q. How many different mobile homes did you and Mr. Faulkinbury live in during the years '64 up until the time of his death?

A. Three or four. I don't remember.

Q. Do you remember what kind they were?

A. No.

Q. Do you still own any of the houses that you referred to as having --

A. No.

Q. -- bought?

The three or four mobile homes that y'all lived in, Mrs. Faulkinbury, did y'all buy those new; or were they used?

A. Some were new.

Q. When you bought them, did you finance them through a bank there in Texarkana?

A. Not all of them.

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Q. Except for two times that you lived in El Paso and the one time you lived in Nash, Texas, from the time that you were married to Mr. Faulkinbury in 1964, until his death, did you always live in Arkansas?

A. What was that?

Q. Except for -- let me try to rephrase it.

You've told me you lived in El Paso twice; right?

A. Right.

Q. And you told me you lived in Nash, Texas, on one occasion.

A. Yes.

Q. Except for the two times you lived in El Paso and the one time that you and Mr. Faulkinbury lived in Nash, Texas, were you always, from 1964, when you married, until the time of his death, citizens of Arkansas?

A. I don't know how to answer that right now.

THE WITNESS: I have to talk to you.

MR. LaGARDE: She may have problems with the word "citizen."

Q. Is that where you always lived except for those times?

(DISCUSSION OFF THE RECORD)

MR. LaGARDE: She's just confused

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because they moved around so much. Try that again.

BY MR. STELLINGS:

Q. I'm not trying to confuse you. You relax. You're doing fine.

All I wanted to establish before we moved on to something else was, except for the times that you lived in El Paso, which was twice, and the one time that you lived in Nash, Texas, the rest of the time after you married Mr. Faulkinbury in 1964, up until the time he died, y'all lived in Arkansas?

A. Yes.

Q. Right?

A. Right.

Q. I notice, Mrs. Faulkinbury, from reading the medical records on Mr. Faulkinbury, that in, for example, 1977, your address was listed as Route 12, Box 182. Do you remember receiving mail at that address?

A. I think that was the 503 mail address.

Q. On other occasions it was Box 31. For example, in 1980, it was Box 31. Is that the South Mosley address?

A. No.

Q. Do you remember receiving mail at Box 31, Texarkana?

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A. Well, yes.
Q. Which one of these residences was that?
A. None.
Q. How about an address at Route 7, Box 466B?
A. That's South Mosley Road.
Q. Can you tell me when you met Mr. Faulkinbury?
A. I don't remember the month.
Q. Can you remember when you were married to Mr. Faulkinbury the first time?
A. July.
Q. July 8, 1964; right?
A. Right.
Q. Y'all were married where?
A. Somewhere in Oklahoma. I don't remember the town.
Q. Were you married before a justice of the peace or in the church, or what?
A. Yes, justice of the peace.
Q. Can you recall approximately how long you knew Mr. Faulkinbury before you married him?
A. No, I don't remember.
Q. Was it a matter of months, or was it a matter of years?
A. Months.
Q. Can you recall where he was working and where

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you were working at the time y'all first met?

A. Yes.

Q. Tell me what you were doing and what he was doing when y'all met each other.

A. We were both working Miller County Sheriff's Office.

Q. Was anyone present when you and Mr. Faulkinbury were married, or did y'all just drive over to Oklahoma and get married?

A. We just drove over there.

Q. Just the two of you there?

A. Well, there was some deputy that was a witness; but I don't know his name.

Q. But no family members accompanied you, no friends?

A. No.

Q. You were married on one occasion before you were married to Mr. Virge Faulkinbury; right?

A. Yes.

Q. What was your husband's name, please?

A. Robert Brooke.

Q. And when did you marry Mr. Brooke?

A. I don't remember.

Q. Do you remember where that was that y'all got married?

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A. Simms.
Q. How long were you married to Mr. Brooke?
A. Seven or eight years. I don't remember.
Q. Was the marriage terminated by divorce?
A. Yes.
Q. When and where?
A. Well, I don't remember when. It was in Texarkana.
Q. And it was in Miller County, Arkansas?
A. Yes.
Q. Did you divorce Mr. Brooke? That is to say, were you the person that brought the divorce action; or did he bring the divorce action?
A. I don't remember.
Q. You have two children by that marriage, do you?
A. No.
Q. I'm sorry. How many children were born of your marriage to Mr. Brooke?
A. Three.
Q. What are their names, please?
A. Robert, Karlton and Evelyn.
Q. Do you know where Mr. Robert Brooke, that is to say, your former husband, lives now?
A. Yes.
Q. Where?

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A. Texarkana.
Q. How old is Evelyn?
A. I think she's 25.
Q. And how about Karlton?
A. 27.
Q. And Robert?
A. Thirty.
Q. Where does Evelyn live?
A. Texarkana.
Q. Is she married?
A. Yes.
Q. What is her name?
A. Erwin.
Q. What does Mr. Erwin do?
A. Well, right now he's unemployed.
Q. What did he do before he was unemployed?
A. He worked at some plant, building mobile homes.
Q. Do you have any grandchildren?
A. Yes.
Q. How many?
A. Four.
Q. Which of your children have children of their own?
A. Evelyn and Karlton.
Q. Evelyn has how many?

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A. Three.
Q. What are their ages?
A. Four, three, and one.
Q. Where does Marlton live?
A. Texarkana.
Q. What does he do?
A. He works at an Exxon service station.
Q. And he's married and has one child. Is that what I understood you to say?
A. He's not married right now.
Q. But he has one child?
A. Yes.
Q. And how about Robert, is it Robert Brooke, Jr. -- is he a junior?
A. No.
Q. How about Robert Brooke, your son? Where does he live?
A. Florida.
Q. Do you know what he does?
A. Yes.
Q. What does he do?
A. He's a registered nurse.
Q. And how long has he been a registered nurse?
A. A few years. I don't remember just how many.
Q. Is that what he's done principally since he

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completed his schooling and training as a nurse?

A. Yes.

Q. Did you and Mr. Faulkinbury live together continuously from 1964 until the time of his death, except for the period that you were separated in 1982?

A. Yes.

Q. In other words, you went to El Paso with him both times, for example?

A. Yes.

Q. You went to Nash, Texas, with him?

A. Yes.

Q. And there wasn't any particular time when either of you were living apart from the other for any extended period of time?

A. No.

Q. Is the separation in 1982 the only separation that you had?

A. Yes.

Q. I understand that you were separated from Mr. Faulkinbury in about February of 1982; is that right?

A. That's right.

Q. And y'all were divorced in July of 1982?

A. Yes.

Q. You lived apart, then, from February until

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when, December? December 30, 1982, is when you remarried; correct?

A. Right.

Q. Did you live apart, then, from February until December of 1982?

A. No.

Q. Then you tell me how long you lived apart after your separation in February of '82.

A. Probably about November.

Q. What was the reason for the divorce between you and Mr. Faulkinbury in 1982?

A. We just had a disagreement on something.

Q. Can you recall what it was?

A. Yes.

Q. What was it?

A. Well, he kept telling me he was going to leave.

Q. Where was he going to go?

A. He never said.

Q. Well, I don't want to pry unnecessarily into old matters; but can you give me some understanding of the basis for the marital discord? Was it a matter of finances? Was it a matter of ill health? Was it a matter of another person -- another woman, another man? What was the reason? Give me some help in understanding why y'all got a divorce.

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A. Well, he just kept telling me that he was going to leave, that he wouldn't be there when I got home. And I got tired of hearing it; and I told him, you know, "Either you're going to be here, or you're not." So he left.

Q. The divorce was uncontested, wasn't it?

A. Yes.

Q. As I recall, he got a lawyer and instituted the divorce action; and you basically said, "That's fine with me," at the time. Is that right?

A. That's right.

Q. When you and Mr. Faulkinbery were married in 1964, were all three of your children living with you?

A. No.

Q. Two of them were?

A. Yes.

Q. That was Karlton and Evelyn that were living with you when you married Virge?

A. Yes.

Q. And those two children continued to live with you and Virge until they completed their education?

A. Yes.

Q. Tell me about Robert. Where was Robert living when you were married?

A. With his Dad.

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Q. Did Robert ever live with Mr. Virge Faulkinbury?

A. Yes.

Q. When and for how long?

A. I don't remember the year. It was a few months.

Q. Just a few months, though?

A. Yes.

Q. So basically you raised the two younger children, and Mr. Brooke raised Robert. Is that the way it worked?

A. Yes.

Q. Was Robert raised in Texarkana, or was Mr. Brooke living elsewhere during the years Robert was growing up?

A. No. In Texarkana.

Q. How far did Karlton go in school there in Texarkana?

A. Well, I don't remember what grade he was in when we left.

Q. Did he graduate from high school?

A. No.

Q. Do you remember how far he went in school?

A. Part of the 12th.

Q. And now about Evelyn? How far did she go in

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school?

A. Part of the 12th.

Q. Did those two children then go to work when they left school in the 12th grade?

A. Yes.

Q. How old was Karlton when he moved away from home, moved out of yours and Mr. Faulkinbury's house?

A. He was 17.

Q. And how about Evelyn?

A. She's probably 19.

Q. Did Evelyn and Karlton go to the same high school?

A. Yes.

Q. What was the name of it?

A. It's in El Paso. I don't remember.

Parkland High, that's what it was.

Q. Did they ever go to high school in Texarkana?

A. Yes.

Q. What was the name of that school?

A. Arkansas High.

Q. Where did those two children, Evelyn and Karlton, go to junior high school?

A. Parkland and College Hill Junior High.

Q. Is Parkland in El Paso and College Hill in Texarkana?

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A. Un-hun.

Q. Virge did not ever adopt Karlton or Evelyn, did he?

A. No.

Q. Has Evelyn been married only once?

A. Yes.

Q. And how about Karlton?

A. Twice.

Q. And is Robert married?

A. Yes.

Q. How many times has Robert been married?

A. Once.

Q. Are each of your children in good health?

A. Yes.

Q. Have any of your three children had any major illnesses?

A. No.

Q. Any of your three children had any extended hospitalizations?

A. Yes.

Q. For what kind of illness?

A. Accident.

Q. Any extended hospitalization for sickness or disease, as distinct from an accident?

A. No.

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Q. Is your mother still living?
A. No.
Q. How about your Dad?
A. Yes.
Q. What's your father's name?
A. Worth Gauntt.
Q. Where does Mr. Gauntt live, please?
A. Simms, Texas.
Q. And how old is he getting to be now?
A. Eighty-one, I think.
Q. When did your mother pass away?
A. About three weeks after I was born.
Q. Is Mr. Gauntt your adopted father, or is he your natural father?
A. He's my natural father.
Q. Did you have a stepmother?
A. Yes.
Q. What was her name?
A. Majanone.
Q. Okay. And was she married to Mr. Gauntt?
A. Yes.
Q. And is she alive?
A. Yes.
Q. Where does she live?
A. Simms.

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Q. Are they still married?
A. Yes.
Q. Do you have brothers or sisters or half brothers and half sisters?
A. Half brothers and sisters.
Q. How many half brothers and half sisters do you have?
A. One brother and three sisters.
Q. Would you tell me your brother's name?
A. James.
Q. Gauntt?
A. Gauntt, yes.
Q. And where does James live?
A. Maud, Texas.
Q. And how about your sisters, half sisters? What are their names?
A. Peggy.
Q. Peggy's last name is what?
A. McCarty.
Q. M-c-C-a-r-t-y?
A. Yes.
Betty Stevens.
Q. Okay.
A. And Sarah Walters.
Q. Where does Mrs. Walters live?

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A. Diana, Texas.
Q. And where does Mrs. Stevens live?
A. Hughes Springs.
Q. How about Mrs. McCarty?
A. Maud.
Q. Did either Peggy or Betty -- what was the third sister's name?
A. Sarah.
Q. Did Peggy or Betty or Sarah know Virge?
A. Yes.
Q. All of them?
A. Yes.
Q. All of them know him well, or --
A. Well, I guess well.
Q. And how about your half brother, did he know Virge well?
A. Yes.
Q. Does your half brother smoke?
A. No.
Q. Has he ever smoked?
A. No.
Q. How about Peggy?
A. I think she does.
Q. How about Betty?
A. No.

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Q. Has she ever smoked?
A. No.
Q. And how about Sarah?
A. No.
Q. Has Sarah ever smoked?
A. No.
Q. Mr. McCarty smoke?
A. Yes.
Q. Mr. Stevens, does he smoke?
A. No.
Q. Has he in the past?
A. Not that I know of.
Q. And how about Sarah's husband, Mr. Walters? Does Mr. Walters smoke?
A. I don't think so.
Q. And how about your father, does he smoke?
A. No.
Q. Has he in the past?
A. Yes.
Q. And how about your stepmother, did your stepmother smoke?
A. No.
Q. Never?
A. No.
Q. Mr. Faulkinbury never was in the military, was

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me?

A. No.

Q. And you never have been in the military service, have you?

A. No.

Q. Do you smoke, Mrs. Faulkinbury?

A. No.

Q. Have you ever smoked?

A. No.

Q. Beg paruon?

A. No.

Q. I'u like to ask you, if I can, about your employment history, places that you have worked; okay?

A. Okay.

Q. I know that in '54 you told me you were working in the Miller County Sheriff's Office.

A. Yes.

Q. What were you doing there? That's when you and Virge got married. What were you doing there?

A. I'm a secretary there.

Q. What?

A. A secretary.

Q. How long did you work there in the Sheriff's Office?

A. A year.

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Q. After you graduated from high school, you said you lived in Simms, that you'd moved there briefly after high school. What did you do when you were living in Simms?

A. I wasn't working.

Q. I'm sorry. That's where you graduated from high school, isn't it? Your family had moved to Simms.

Was it Hooks where you went after you graduated from high school?

A. Yes.

Q. And before you went to Texarkana?

A. Yes.

Q. Were you working in Hooks? And if so, what were you doing?

A. No.

Q. Was your first job after finishing high school in Texarkana?

A. Yes.

Q. What did you do?

A. I went to work at the Employment Commission.

Q. Arkansas Employment Commission?

A. No.

Q. Whose Employment Commission?

A. Texas.

Q. Texas Employment Commission.

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And where was that place of employment located?

A. I think it was on State Line in Texarkana, Texas.

Q. You were living in Arkansas and working at the TEC in Texas?

A. No.

Q. I thought that you told me you had moved to Texarkana, Arkansas, after you left Hooks. Maybe I didn't understand you.

A. No. I told you I moved to Texarkana.

Q. You were living on the Texas side of the line right after leaving Hooks; is that right?

A. It was some little apartment, yes.

Q. How long did you work for the Texas Employment Commission?

A. I don't know. About three years or so.

Q. Where did you work next, Mrs. Faulkinbury?

A. I don't remember.

Q. What were you doing for the TEC?

A. Well, I worked at the switchboard and reception area.

Q. Had you had some secretarial training, or did you just pick that up on the job?

A. I guess I'd had training in high school.

Q. Did you go to business college, for example, or

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anything like that?

A. No.

Q. You learned how -- I guess you learned how to type and that kind of thing in business courses in high school, then; is that right?

A. Yes.

Q. Was any of your work with the Texas Employment Commission -- did any of your work involve processing of claims for persons who were unable to work for health reasons?

A. No.

Q. In the years before you married Mr. Faulkinbury, where else did you work besides the Texas Employment Commission and the Miller County Sheriff's Office?

A. I worked for an attorney.

Q. What was his name?

A. Leroy Autry.

Q. What did you do for Mr. Autry?

A. I was secretary.

Q. How long did you do that?

A. I don't remember. Probably a few years.

Q. Where was his office?

A. It was on the Arkansas side somewhere. I don't remember.

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Q. Other than the TBC and Mr. Autry and the Sheriff's Department, where else did you work before you went to -- before you got married to Mr. Faulkinbury?

A. I worked for Red River Army Depot.

Q. How long did you do that?

A. Probably two or three years.

Q. What did you do there?

A. I was -- well, I don't remember what they called my job; but it was kind of a secretary type.

Q. Clerical-secretarial-typing type work?

A. Un-hun.

Q. Was that for the government?

A. Yes.

Q. The US Government?

A. Yes.

Q. Was that on the Arkansas side?

A. No.

Q. Texas side?

A. Yes.

Q. What is the Red River Army Depot?

A. Well, they overhaul tanks and guns and any other kind of equipment for the government, for the Army.

Q. And did you tell me how long you'd worked there for the government?

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A. Yes.

Q. How long was it?

A. Two or three years.

Q. Now, TEC, Mr. Autry, Red River Army Depot, Miller County Sheriff's Department. Where else did you work before you and Mr. Faulkinbury were married?

A. I worked for another attorney.

Q. What was his name?

A. John D. Raffaelli.

Q. Is he an Arkansan, or is he a Texan?

A. He's a Texan.

Q. How do you spell his name?

A. R-a-f-f-a-e-l-l-i.

Q. Were you a secretary for him?

A. Yes.

Q. How long did you work for him?

A. I don't remember. A few months in between having children.

Q. Any other places that you worked in that period of time, from the time you moved up to Texarkana until the time you married Virge? Just take a minute and think of any other employers, and then tell me who they are.

A. I can't remember any more. I don't remember any more.

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Q. Autry, Raffaelli, Red River Army Depot, TJC, and the Miller County Sheriff's Department. Any others that you can remember right now?

A. Not that I remember right now.

(RECESS)

BY MR. STALLINGS:

Q. Mrs. Faulkinbury, does your son, Robert, smoke?

A. No.

Q. Has he ever?

A. I don't remember if he did when he was younger or not. I don't think so.

Q. Does your son, Karlton, smoke?

A. Yes.

Q. How old was he when he started?

A. Probably in his teens.

Q. While he was still living at home?

A. He was sneaking around getting them out of my husband's cigarettes.

Q. He started while he was living at home?

A. I guess, he did. I didn't see him.

Q. How do you know he started in his teens?

A. My husband told me, and I could smell the smoke.

Q. You simply don't know whether Robert did or didn't smoke?

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A. I don't know. I don't think he did.

Q. How about Evelyn, your daughter? Does she smoke?

A. Yes.

Q. When did she start?

A. Probably about 17.

Q. And that was before she left home?

A. Yes.

Q. The year that you lived in Hooks after graduating from high school, did I understand you to say that you weren't working during that period of time?

A. No, I didn't say that.

Q. I'm sorry. I misunderstood you.

What were you doing when you were in Hooks for a year after you graduated from high school?

A. I went to work in Texarkana.

Q. How far is that from Hooks to Texarkana?

A. Probably about 12 or 15 miles.

Q. So you were living in Hooks and working in Texarkana?

A. Yes.

Q. Where were you working in Texarkana?

A. At the employment office.

Q. Did you always live in Texas up until the time you married Virge; or did you, during that period of

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time up until '64, live in Arkansas some of the time?

A. I lived in Arkansas some of the time.

Q. Was that when you were married to Mr. Brooke?

A. Yes.

Q. And y'all were married for seven or eight years?

A. Yes.

Q. And all of that time, you were living in Arkansas?

A. Yes.

Q. When you and Mr. Faulkinbury were remarried in 1982, was that in a church or was that a Justice of the Peace? Where was that? Where did that marriage take place?

A. Justice of the Peace.

Q. In Texarkana, Arkansas?

A. Yes.

Q. Did you join your husband's church after you married him in 1964?

A. No.

Q. Was Mr. Faulkinbury Roman Catholic?

A. Yes.

Q. Did he attend the Roman Catholic church? Did he go to mass regularly?

A. No, sir. Regularly, no.

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Q. Did he go to Mass occasionally?
A. Yes.
Q. Did you attend services with him when he went?
A. Yes.
Q. Did you remain active in the Baptist church after you married him?
A. No.
Q. So if the family went -- that is, you and he went to church -- you went to his church after '64?
A. No. I was going there before I met him.
Q. You had started attending Roman Catholic services before you met him?
A. Yes.
Q. Was Mr. Brooke a Catholic?
A. No.
Q. When did you start attending the Catholic church?
A. After my separation from my first husband. I don't remember what year.
Q. With what approximate regularity did Mr. Faulkinbury attend mass?
A. I couldn't say.
Q. Well, my wife's a Catholic; and I always go on Christmas and Easter.
A. Well, he went a little more often than that.

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Q. Did he receive the last rites of the church before his death?

A. I wasn't there. I don't know.

Q. Anyone on your side of the family have the misfortune to contact cancer in the past?

A. Yes.

Q. Who was that?

A. My uncle.

Q. Is he living now?

A. No.

Q. Did he die of cancer?

A. Yes.

Q. What kind?

A. Lung.

Q. What was his name?

A. Hunter, Hunter Gauntt.

Q. Where did Mr. Hunter Gauntt pass away?

A. In a hospital in Texarkana.

Q. When was that, approximately?

A. About February this year.

Q. Any other family members on your side of the family?

A. Yes.

Q. Who else?

A. I have a cousin. It's his daughter.

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Q. Your cousin's daughter?
A. No. My uncle's daughter, my cousin.
Q. Your cousin. What's her name?
A. Dorothy.
Q. Dorothy --
A. Morgan.
Q. Is Mrs. Morgan alive now?
A. No.
Q. Did she die of cancer?
A. Yes.
Q. When?
A. Last year. November, I think.
Q. Do you know what kind of cancer she had?
A. I think it was lung cancer. I'm not sure.
Q. Any other persons on your side of the family?
A. My Dad.
Q. Mr. Gauntt had cancer, did he?
A. He's had skin cancer.
Q. That's the only kind of cancer that Mr. Gauntt has?
A. Yes.
Q. How long has he had that?
A. Well, just the last year or so, they've --
Q. Any other family members have the misfortune to develop cancer?

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A. I had another cousin that did.
Q. Tell me that person's name?
A. Betty Barron.
Q. B-a-r-r-o-n?
A. Yes.
Q. Is that person alive?
A. Yes.
Q. And where does she live?
A. In Hooks.
Q. What kind of cancer has she had, Mrs. Faulkinbury?
A. Colon cancer.
Q. Any others?
A. Not that I know of.
Q. How is your health, Mrs. Faulkinbury?
A. Fine.
Q. You've never had cancer, have you?
A. No.
Q. Have you ever been under the care and treatment of a psychiatrist?
A. No.
Q. Have you ever been under the care and treatment of a clinical psychologist?
A. No.
Q. Have you ever been seriously ill?

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A. I don't know. I don't think so.

Q. Have you ever had any extended hospitalizations?

A. Yes.

Q. For what?

A. I had gallbladder surgery.

Q. Anything else to require hospitalizations, except for the birth of your children?

A. I've had a hysterectomy.

Q. Anything else to require any kind of extended hospitalizations besides your kids and your two surgeries that you mentioned?

A. I've had bronchitis, pneumonia.

Q. Such as to require hospitalization?

A. Yes.

Q. When was that?

A. Well, several times in the last few years.

Q. When you were hospitalized for bronchitis, was that in the St. Michael's Hospital or somewhere else?

A. Some of the time.

Q. How many times have you been hospitalized for bronchitis?

A. I don't remember. Several times in the last few years.

Q. Have you been hospitalized at more than two

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hospitals for bronchitis?

A. No.

Q. Is one of them St. Michael's?

A. Yes.

Q. What's the other one?

A. Wadley.

Q. Who was your doctor?

A. Dr. Stringfellow.

Q. Was he always your doctor, or did you have another doctor for bronchitis?

A. No. My only doctor.

Q. Is Dr. Stringfellow in Texarkana, Arkansas? Is that where he is?

A. Yes.

Q. You said over the last few years. Can you tell me what period of time we're talking about?

A. The last seven or eight years.

Q. You said several times. I just want to get some idea whether that means two or four or what. Do you have any better recollection?

A. Probably about four or five, maybe six.

Q. Did your Dr. Stringfellow tell you why you were having this bronchitis?

A. Yes.

Q. What was the answer? What was the reason?

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A. My allergy and where I work.

Q. Where was it that you -- where was it that you worked that was causing that? Don't tell me a lawyer's office.

A. International Paper.

Q. Did Dr. Stringfellow tell you what you were allergic to?

A. Well, no, he really didn't say.

Q. Well, you said your allergy and where you worked; so I thought that was suggesting that you were allergic to something. Are you allergic to something?

A. Yes. I take allergy shots.

Q. Do you know what it is you are allergic to?

A. A lot of things.

Q. Among which are what?

MR. LaGARDE: Lawyers.

A. The chlorine at work was bothering me.

Q. Is that at International Paper, when you talk about --

A. Yes.

Q. Is there anything else that you're allergic to?

A. A lot of things.

Q. If you'd tell me what some of them are, I'd go on to something else.

A. Well, I don't know what to tell you.

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Q. What are you allergic to?
A. It would take me all day to tell you.
Q. Are you allergic to a whole long list of things?
A. Yes. Dust, cigarette smoke, pollen, chlorine, foods.
Q. All of your hospitalizations for bronchitis have been either at St. Michael's or the Mauley hospital?
A. That's right.
Q. The only doctor who's treated you for it, except doctors who might have seen you incidentally in the hospital, is Dr. Stringfellow in Texarkana, Arkansas; is that right?
A. That's right.
Q. You said you're now taking some medications for your allergies?
A. Allergy shots.
Q. So you take allergy shots. And then you also said you had something you take for thyroid?
A. Thyroid.
Q. Did you take any other medications, Mrs. Faulkinbury?
A. No.
Q. I want to ask you now about your employers

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after you married Mr. Faulkinbury; okay?

A. Okay.

Q. So we're now going to be talking about the period from 1964 up until 1983, or actually up until today.

Are you working now?

A. Yes.

Q. Where do you work?

A. International Paper.

Q. Is that in Domino, Texas?

A. Yes.

Q. How far is that from Texarkana, Arkansas?

A. About 38 miles from my house.

Q. You commute over there every day?

A. Yes.

Q. What do you do there at International Paper?

A. I'm a secretary.

Q. Who are you secretary to?

A. To the engineering and safety department.

Q. Who is your boss?

A. I have two.

Q. What are their names?

A. Ted Kuntz and Jim Turchi.

Q. What kind of a manufacturing facility is that?

A. They make paper.

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Q. What kind of paper do they make? Newspaper?

A. No.

Q. Cardboard boxes, what?

A. No. They make it -- they start from the pulp, the trees; and they only make it in the ton rolls to be shipped out. They make paper for frozen food cartons, diapers. I think that's about all.

Q. How long have you worked there at International Paper?

A. About eight years.

Q. Has most of that work been secretary to the engineering and safety department?

A. Yes.

Q. About how many people work in that plant there?

A. About 654.

Q. I'm not familiar with Domino, Texas. Is that where the plant is? Anything else besides the plant?

A. A few stores is all.

Q. Back in the past, where did you work before -- immediately before you went to work for International Paper Company?

A. I worked for an attorney.

Q. Was that Mr. Blagg?

A. Yes.

Q. How long did you work for Mr. Blagg?

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A. Only a few months. He left town.

Q. Where was his office?

A. I forget the street. I think it's Olive in Texarkana, Texas.

Q. It was on the Texas side?

A. Yes.

Q. And where did you work before you worked for Mr. Blagg?

A. Markness, Freedman & Kusin.

Q. Where is their office?

A. Texas side.

Q. How long did you work for that law firm?

A. I worked for them two or three times off and on. I don't remember how long.

Q. Secretary for them, too?

A. Yes.

Q. Have you worked pretty steadily since being married?

A. Since when?

Q. Since you married Mr. Faulkinbury in 1964. Or in those early years, were you at home with your children?

A. No, I worked most of the time.

Q. Did you work for Mr. Blagg a couple of times, or more than once?

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A. Well, I first worked for him when he was with another law firm. And then when he went out on his own, I went to work for him.

Q. What was the other law firm?

A. Markness, Freedman & Kusin.

Q. Why don't you tell me where you worked after you got married, in order?

A. I don't know that I could tell you that in order.

Q. Do the best you can.

A. I worked for Arnold & Arnold.

Q. What is that?

A. A law firm.

Q. Arnold & Arnold. Where are they located?

A. They were on the Arkansas side.

Q. Arnold & Arnold in Texarkana, Arkansas, as a legal secretary?

A. Yes.

Q. For about how long?

A. About five years.

Q. Then where did you work?

A. I worked for another lawyer, C. M. Kennedy.

Q. Where was Mr. Kennedy's office?

A. On the Texas side, Main Street.

Q. How long did you work for Mr. Kennedy?

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A. I don't remember. Maybe a year or so.

Q. Where did you work after you worked for Mr. Kennedy?

A. I worked for -- I can't remember the exact name of the law firm. I worked for Grover Stevens, in that law firm in El Paso.

Q. Then where did you work?

A. Then we came --

Q. Did you work anywhere else in El Paso, except for Grover Stevens, the first time you were out there?

A. No.

Q. Where did you work next?

A. Yes, I did. I went to work for Northgate National Bank.

Q. In El Paso?

A. Yes.

Q. What did you do for them?

A. Kind of a secretary. Took care of the loans, the insurance on the collateral.

Q. Did these law firms that you worked for do trial practice?

A. Yes.

Q. Was that -- would Mr. Kennedy do trial practice?

A. No.

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Q. How about Arnold & Arnold?
A. Yes.
Q. And Harkness, Freedman & Kusin?
A. Yes.
Q. And Mr. Stevens?
A. Some.
Q. Mr. Blagg?
A. Yes.
Q. Did you work anywhere else in El Paso the first time you were there?
A. No.
Q. When you went back to Texarkana from El Paso, can you remember where you worked first?
A. Back to El Paso?
Q. Maybe I said that wrong. I'm sorry. I didn't mean to say it wrong.
You left El Paso. And then did you go back to Texarkana the first time?
A. Yes.
Q. When you went back to Texarkana the first time, where did you work?
A. Harkness, Freedman & Kusin.
Q. Did you work anywhere else in Texarkana before you went back to El Paso the second time?
A. No.

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Q. When you went back to El Paso the second time, where did you work?

A. For Crawford Kerr. Well --

Q. Is that another law firm?

A. Yes.

Q. How long did you work for them?

A. Edwards, Belk, Hunter & Kerr.

Q. How long did you work for them?

A. About three years, I think. However long I was there.

Q. That's the only place you worked the second time you were in El Paso?

A. Yes.

Q. You went back to Texarkana in about '75, '76, along in there?

A. About January '76, I think.

Q. And where did you work when you returned to Texarkana?

A. I went back to work for Harkness, Freedman & Kusin.

Q. And how long did you stay with them that time?

A. Until I went to work for Ralph Blagg. I don't remember.

Q. After you left Mr. Blagg, you went to work for International Paper?

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A. Yes.
Q. Have you ever been a party to any lawsuit except for this one and the two divorce cases?
A. Yes.
Q. How many times?
A. One.
Q. What was it about?
A. I was cosigner on a note to my son.
Q. Bank sued?
A. My credit union.
Q. Where was that?
A. Texarkana.
Q. Which son?
A. Kariton.
Q. Where does Robert live?
A. Which one?
Q. Your son.
A. My son?
Q. Right.
A. In Florida.
Q. Is the other Robert you're referring to your ex-spouse?
A. Yes.
Q. Where in Florida?
A. Lake Butler, outside of Jacksonville.

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Q. And how long has he lived there?
A. A long time. About -- probably in the '70's.
Q. Does Robert work at a particular hospital, or do you know?
A. Yes.
Q. What's the name of the hospital?
A. Well, he doesn't work at a hospital. I know where he works. He works for a prison.
Q. He works for the Florida prison system?
A. Some state prison. I don't know the name of it.
Q. How long has he pursued that line of work?
A. A long time.
Q. Where did he receive his training?
A. In the Navy.
Q. Did he graduate from nursing school?
A. I suppose he did. I don't know. He got something in the Navy, and then he went to some kind of training after he got out.
Q. Was he a corpsman in the Navy?
A. Yes.
Q. And he had some additional training in the health field after he left the Navy?
A. Yes.
Q. Mr. Faulkinbury, his first name was Virge?

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A. Yes.

Q. Is that the way you say it? Am I saying it right?

A. Yes.

Q. And when he was born, his birth certificate apparently said Virgie?

A. I-e.

Q. What was the reason that it was changed, if you know?

A. He just wanted to change it. It wasn't the way he had always spelled his name.

Q. And at some point he added a middle name to his name, Austin?

A. He said he did, yes.

Q. Why? I guess because he didn't have one before and he liked that one. Is that the reason?

A. I guess. I don't know.

Q. You don't have any other information about that?

A. No.

Q. His dad was Henry Miles Faulkinbury; is that right?

A. Yes.

Q. And Mr. Faulkinbury lived -- the senior -- lived to a ripe old age, didn't he?

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A. Uh-huh.

Q. He lived to be what?

A. In his '80's. I don't remember.

Q. Virge's mother was Effie Jane Burnett Faulkinbury?

A. Yes.

Q. She also lived to a ripe old age, didn't she?

A. Yes. I see on here it's 84.

Q. Did you know both of them?

A. Yes.

Q. What line of work did Mr. Faulkinbury pursue, senior, Henry Miles Faulkinbury, Virge's daddy?

A. Real estate and grocery store.

Q. In Texarkana, Arkansas?

A. Yes.

Q. Were Mr. Faulkinbury and Virge's mother Roman Catholics also?

A. His mother wasn't. His dad always --

Q. His mother was not?

A. His mother was not.

Q. How about his daddy?

A. His dad always -- he didn't go to church. But if he would have, he claimed to be a Catholic. I don't know if he belongs to the Catholic church or not.

Q. Where did Virge vote?

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A. Well, Texas and Arkansas.

Q. El Paso, Texas, when he was in El Paso?

A. Yes.

Q. And Texarkana, Miller County, Arkansas, when he was in Arkansas?

A. Yes.

Q. Did ever register to vote in Texas at any place other than El Paso?

A. I think he did when we lived at Nash. I can't remember.

Q. Do you know for certain whether he registered to vote in El Paso?

A. No, I don't remember.

Q. Do you know for certain that he voted in Arkansas?

A. Yes.

Q. In the years that y'all were living in Arkansas, did y'all vote in the Democratic primary there?

A. In where?

Q. Did you vote in the Democratic primary in Arkansas?

A. Yes.

Q. You told me that you had worked pretty steadily since y'all were married, even when you had relatively

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young children. Did you have domestic help that helped you around the house?

A. No.

Q. When you were working and the children were young, what did you do with the kiddos?

A. I took them to a babysitter.

Q. During the years that you were married to Virge, did you ever have a maid or domestic help to help you around the house?

A. Yes.

Q. When?

A. In the early -- well, in the '60's, right after we got married.

Q. For what period of time?

A. A few months.

Q. Is that the only time?

A. That's the only time.

Q. Did you and Mr. Faulkinbury -- when you were living in Texarkana after '64, did you ever live close to any kind of factories?

A. No.

Q. Did you ever live around any kind of manufacturing plants?

A. No.

Q. Did you ever live around any kind of business

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or industry that generated any kind of noxious fumes?

A. No.

Q. Or pollution?

A. No.

Q. Was there ever any newspaper or TV publicity about any companies in the area where you worked generating any kind of air pollution that you can remember?

A. Where I worked?

Q. Where you lived?

A. No.

Q. You've told me that where you work out at the International Paper Company, apparently they use chlorine in that; and that causes you some sensitivity or irritates you in some fashion?

A. Yes.

Q. During the years that you and Virge lived there in Texarkana, Arkansas, was there any similar kind of experience; that is to say, a business or an industry or a plant that generated any kind of smells or fumes or emission that was irritating to you like the situation at International Paper?

A. Where we lived?

Q. Yes.

A. No.

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Q. Did y'all live out in the country most of the time, or was it in town?

A. Part of the time.

Q. Part of the time, you lived in the country?

A. It was right out of town.

Q. When you were living in El Paso the two times, did you and Virge ever live close to any kind of an industrial concern that generated any kind of pollution or emissions like I've just asked you about in Texarkana?

A. No.

Q. Ever live around -- either in El Paso or in Texarkana -- any kind of petroleum refineries or petrochemical plant?

A. No.

Q. Did you ever live close by any kind of dump site for municipal refuse or any kind of toxic refuse?

A. No.

Q. I'm understanding you to say that basically y'all lived, both in El Paso and in Texarkana, in areas where it was relatively free from any kind of environmental pollution?

A. Yes.

Q. And the only bad experience you've had along those lines, personally, is the experience at

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International Paper?

A. Yes.

Q. How many children did Virge have?

A. One.

Q. That's Randy Lee Faulkinbury?

A. To my knowledge, one.

Q. I understand. That child is Randy Lee Faulkinbury. Is that his name?

A. Yes.

Q. Do you know Randy?

A. Yes.

Q. Where does Randy live?

A. I don't know right now.

Q. Did Randy come to Virge's funeral?

A. Yes.

Q. How about your son, Robert?

A. Yes.

Q. Came from Florida?

A. Yes.

Q. And how about Evelyn?

A. Yes.

Q. And Karlton?

A. Yes.

Q. When is the last time you saw Randy?

A. Last year.

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Q. What was the occasion?
A. Came to visit my sister-in-law.
Q. What's her name?
A. Hazel Spradlin, S-p-r-a-d-l-i-n.
Q. That's Virge's sister?
A. Yes.
Q. Did he also come to see you, or did y'all just happen to meet there at Hazel's?
A. I live next to her.
Q. You live next door?
A. Yes. And she called me over. He didn't come to see me.
Q. Does Hazel live on South Mosley?
A. Yes.
Q. Before that, is the last time you'd seen Randy at the funeral?
A. Yes.
Q. Where does Randy live?
A. I don't know.
Q. Has he, in the past, lived in Temple, Arkansas?
A. Temple, Arkansas?
Q. Yes.
A. I don't know.
Q. Has he ever lived in Arizona?
A. I don't know.

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Q. Did he live in Tempe, Arizona?
A. Yes.
Q. I bet he doesn't live in Temple, Arkansas.
About how old is Randy; do you know?
A. I think he's about 32.
Q. Randy's mother was Dorothy Faulkinbury, Virge's first wife; is that right?
A. Yes. I think that was her name. I'm not sure.
Q. Do you know Dorothy?
A. I've seen her a couple of times. I wouldn't know her if I met her on the street.
Q. Does Dorothy, Virge's first wife, live there in Texarkana, Arkansas?
A. The last I heard, she was.
Q. Do you know where she works?
A. No.
Q. Do you know her name now?
A. I think it's Williford. I don't know.
Q. Williford?
A. Yes.
Q. Did Randy ever live with you and Virge after y'all were married in 1964?
A. No, not really. He stayed with us a couple of weeks.
Q. He may have visited on very few occasions; but

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was he basically raised by his mother, Dorothy?

A. Yes.

Q. Does Randy smoke, or do you know?

A. He wasn't last time I saw him.

Q. At Hazel's house?

A. Right. I think he used to, but he didn't then.

Q. Your belief is that he had smoked in the past, but no longer smokes?

A. I think that's what he told me. I don't know. I know he doesn't smoke in there.

Q. Do you know where Randy went to school?

A. Texas, I think.

Q. Where?

A. On the Texas side, in Texarkana.

Q. Do you know what he does for a living?

A. No.

Q. Did he graduate from high school?

A. I don't know.

Q. Is he married?

A. Yes.

Q. Does he have children?

A. Yes.

Q. What is his wife's name?

A. Sheila.

Q. Do you know her maiden name?

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A. No.
Q. How many children does he have; do you know?
A. Last time I saw him, one.
Q. How old is Randy's son? Is it son or daughter?
A. No. I think it's a daughter.
Q. Do you know how old the little girl is?
A. No. She was probably seven or eight months then.
Q. Does Randy Lee Faulkinbury know of this litigation?
A. I don't know.
Q. Have you informed him of it?
A. No.
Q. Is it your understanding that Virge was married briefly on one other occasion besides to Dorothy?
A. Yes.
Q. Before y'all got married?
A. Yes.
Q. And where do you understand he was married?
A. I think he told me in Mexico. I don't know.
Q. And he was divorced from that wife in Miller County, Arkansas?
A. I don't know where he got his divorce.
Q. Do you know what his second wife's name was?
A. I think I put on here Pat Keener.

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Q. Is it Keener?
A. I think it's Keener. I don't know.
Q. Do you know her?
A. I've seen her a few times.
Q. Does she still live in Texarkana, Arkansas, to your knowledge?
A. I don't know.
Q. When is the last time you saw her?
A. Probably two or three years. A couple of years, anyway.
Q. A couple of years ago?
A. At least. I don't know.
Q. Tell me how you spell her name.
A. I don't know. I think it's K-e-e-n-e-r.
Q. Was either Patricia or Dorothy at Virge's funeral?
A. Yes.
Q. Both?
A. Both.
Q. You don't know where Patricia Keener works, do you?
A. No.
Q. Do you know if she's married?
A. No, I don't know.
Q. How about Dorothy, is she married; or do you

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know?

A. She used to be. I don't know if she still is or not.

Q. Mr. Williford?

A. Yes.

Q. Do you know where he works?

A. He used to own a motel. I don't know.

Q. Do you know if Dorothy smoked?

A. I don't know.

Q. How about Patricia, do you know?

A. I don't know.

(RECESS)

BY MR. STALLINGS:

Q. Are you a registered voter in Arkansas?

A. No.

Q. Yes?

A. No.

Q. When did you last register to vote?

A. Whenever I lived in Nash.

Q. Between '80 and '82?

A. Un-hun.

Q. Where was the Catholic church that Mr. Faulkinbury attended located?

A. Beech Street.

Q. Is that on the Arkansas side?

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A. Yes.
Q. What was the name of the church?
A. St. Edwards.
Q. Did Mr. Faulkinbury have any aliases or any nicknames that he ever went by?
A. Not that I know of.
Q. The suit that you mentioned where you were a cosigner with your son and the credit union, where was that?
A. Texarkana.
Q. Is it Miller County?
A. No.
Q. Was it in Bowie County? What state was it in?
A. I don't remember where they filed it.
Q. Did Mr. Faulkinbury, in the years of his illness, receive any benefits from the State of Arkansas?
A. Yes.
Q. What was the nature of those benefits?
A. I don't know what kind of benefits they were. They paid some of his hospital bills.
Q. Assistance in paying medical bills?
A. Yes.
Q. Did he receive any similar benefits from the State of Texas?

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A. No.
Q. What county is Nash in, please?
A. Bowie County.
Q. I'm going to ask you some questions now about Mr. Virge Faulkinbury's education and his employment. And these kind of questions are the questions that have been the subject of previous answers to interrogatories, Nos. 5 and 6. So feel free to look at those as we go over these subjects; okay?
A. Okay.
Q. Mr. Faulkinbury dropped out of school in about the 9th grade in Texarkana, Arkansas; is that right?
A. As far as I know.
Q. Where did you get that information?
A. From him.
Q. Would that be about in the area of 1945 or so when he dropped out of school, then, Mrs. Faulkinbury?
A. I don't know.
Q. He was born in 1929, was he?
A. Yes.
Q. Do you know how old he was when he left home?
A. No.
Q. Do you know what he did when he dropped out of school?
A. No.

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Q. You indicated that in 1965 he received a GED degree from Texarkana Community College.

A. Yes.

Q. That would be the year after y'all were married?

A. I say about '65 or '66. I don't remember just what year it was.

Q. A year or two after y'all married?

A. Yes.

Q. Do you remember him going to school at Texarkana Community College?

A. Yes.

Q. Did he receive some sort of insurance training in Illinois before that? Is that right?

A. Yes. That was before I knew him.

Q. The insurance training was before you ever met him.

What other kind of schooling or training did he receive before you met him after he finished the 9th grade or quit school in the 9th grade?

A. I don't know.

Q. Some sort of insurance training?

A. That's what he was telling me. That's when he was in Peoria. I don't know.

Q. Do you know any other kind of school he ever

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attended besides Texarkana Community College or insurance schools?

A. I don't know.

Q. For example, in order to be a police officer, did he attend any schools?

A. I don't know if he did or not.

Q. In order to be a deputy sheriff for Miller County did he attend any schools?

A. I don't know.

Q. Do you know who he was working for when he attended some sort of school in Peoria, Illinois, before you met him?

A. Well, I have down here Great Central. I think that was the insurance company he was working for.

Q. Great Central Insurance Company?

A. (Nodding head)

Q. Was it work in the casualty section, or was it life insurance work?

A. I think both.

Q. Was his work for Great Central in claims matters, accidents, car wrecks, things like that; or was it life insurance work?

A. No. I think it was like for businesses, like burglaries and fire.

Q. His Woodmen of the World Insurance Company work

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was life insurance sales work, wasn't it?

A. Right.

Q. The school that Virge went to in Texarkana, that he quit the first year in high school, is that the same school that you mentioned awhile ago, Arkansas High?

A. It was at a different location then.

Q. What was the name of the school that he dropped out of, that he was attending?

A. I don't know. Probably Arkansas High. I don't know.

Q. If you'll look at your answer to interrogatory No. 6, what can you tell me about his work before y'all got married?

A. Only that that I heard he talked about, that I had heard that he worked for the police department.

Q. Now, his work as a police officer started in 1967, didn't it?

A. Well, no. He worked in the '60's.

Q. Didn't he start to work as a police officer in 1967, after you were married?

A. Yes.

Q. I'm trying to ask you about his work before y'all got married in 1964.

A. That's what I'm telling you. He worked there

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before we got married, too.

Q. Okay. He worked on more than one occasion as a police officer?

A. Yes.

Q. And he apparently worked as a gas station attendant for some period of time?

A. No. He owned a service station.

Q. He was the owner of it?

A. Yes.

Q. Where was it?

A. Somewhere on East Street in Arkansas.

Q. What kind of station was it?

A. I don't know.

Q. By that, was it like Exxon, Gulf --

A. I don't know.

Q. How long did he own a service station?

A. I don't know.

Q. Did he also work at service stations that he didn't own?

A. I don't know.

Q. Did he do any truck driving in the years before he met you?

A. He said he did.

Q. Do you know any details? Was he self-employed, or was he working for companies?

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A. Whatever he called it.

Q. You have to tell me what he called it.

A. Well, it's in here, the tractor-trailer. He owned the truck and leased the tractor -- the trailer -- or some kind of company.

Q. This says during the '50's and '60's Virge owned service stations. Did he own more than one service station?

A. Different locations. I don't know at what time or different times.

Q. Apparently he owned trucks and leased long-haul tractor-trailers. Do you know how long he did that?

A. No.

Q. Do you know why he stopped owning service stations and pursued some other work?

A. No.

Q. Do you know how long he worked at the police department the first time he worked there?

A. No.

Q. Do you know what he did at the police department the first time he worked there?

A. He was a policeman.

Q. Did he drive an automobile on patrol? Did he stay in the office as a dispatcher? Did he walk the streets? Do you know what he did as a police officer?

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A. I think he was in the car most of the time.

Q. Let me ask it this way, Mrs. Faulkinbury. Do you have any more information about his work, his employment, before y'all got married than you've told me, that he leased rigs and drove trucks on a long-haul basis, and that he owned several service stations and that he worked as a police officer. Do you have any more employers or more details than that?

A. Just the insurance company. That's all.

Q. How long did he work in the insurance business before you knew him, approximately?

A. I don't have any idea.

Q. Was all of the work that we have been talking about -- policeman, insurance, service station work and hauling -- was that work all based in Texarkana, Arkansas?

A. I don't know. Some of it is.

Q. Well, I would say if he was driving a truck or leasing a truck, he might occasionally leave town. But when he was doing the trucking business, was he based in Texarkana?

A. Yes.

Q. Were all of the service stations in Texarkana, Arkansas?

A. I don't know.

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Q. When he worked -- well, do you know of any that weren't in Texarkana, Arkansas; that is, service stations?

A. No, I don't know.

Q. When he worked in the insurance business -- not when he was going to school -- when he worked in the insurance business, was that in Texarkana, Arkansas; or was that somewhere else?

A. It was in Texarkana, but I don't know the area he worked in.

Q. Did he ever work for a railroad?

A. Yes.

Q. Where was that?

A. In Texarkana.

Q. Do you know how long he did that?

A. No.

Q. Do you know what railroad he worked for?

A. No.

Q. Now, when you and Virge got married, he was about 35 years old?

A. Something like that.

Q. Give or take take a year or so?

A. (Nodding head)

Q. Now, you have already told me that at the time you were married y'all were both working as deputy

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sheriffs in the Miller County -- you were both working for the Miller County Sheriff's Department; right?

A. At the time we met, yes.

Q. What was he doing? Was he a patrolman?

A. Deputy sheriff.

Q. Did his job call upon him to drive around and patrol the county in an automobile, or did he stay in the office?

A. No. He was out.

Q. And for how long did Virge work as a deputy sheriff after you were married?

A. Not long. A few months.

Q. And why did he leave that line of work?

A. He went to work for an insurance company.

Q. Did he leave voluntarily from the deputy sheriff's office?

A. I think so, yes.

Q. Did you continue to work in the deputy sheriff's office after Virge left, or did you leave at the same time?

A. No. I left before we got married. That's what I said awhile ago. At the time I met him, we were both working there.

Q. What insurance company did he go to work for?

A. I don't remember the name of it.

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Q. Was he a life insurance salesman?

A. Well, he only worked for them -- he went to school. And he only worked for them a couple of weeks, and that's when he had to have the surgery. And then he -- and I can't remember then.

Q. Are you talking about appendectomy, Mrs. Faulkinbury?

A. Yes.

Q. It's your recollection that Mr. Faulkinbury had an appendectomy in about August of '65. Is it your recollection that he was in the hospital between August 5 and August 9, 1965, in St. Michael's Hospital, under the care of Dr. Kemp and he had an appendectomy? Isn't that about right?

A. I don't remember the month nor the year, but the other is right.

Q. That's when he was working for some insurance company, and he only worked there a couple of weeks. Is that what you're telling me?

A. Yes. And I don't even remember the name of it.

Q. Was it after that that his next employment was as a painter?

A. No, I don't think so. I think he went back to work at the sheriff's office.

Q. How long did he stay there as a deputy sheriff

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the second time?

A. Not long.

Q. A matter of months?

A. Probably months.

Q. Why did he leave the insurance work so quickly?

A. I can't remember.

Q. Why did he leave the sheriff's office the second time so quickly?

A. I think that's when he went to work at Day & Zimmermann, and he was making more money.

Q. How long did he work at Day & Zimmermann?

A. About a year, I think. I'm not sure.

Q. Is that in Texarkana, Arkansas, that Day & Zimmermann is located?

A. No.

Q. Where is it located?

A. I think they call it Leary, Texas. It's out of Texarkana.

Q. What kind of work was he doing for Day & Zimmermann?

A. He painted.

Q. What kind? What is Day & Zimmermann? Is that a painting contractor?

A. No. It's -- they make hand grenades. It's government work. I don't really know. It's for

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supplies for the Army or --

Q. Is it a defense contractor? Is that what they do?

A. I think so.

Q. And as a painter working for this company, what did he do? Paint hand grenades?

A. I don't know. I think he just painted buildings. I don't really know.

Q. Do they have a plant there in Leary?

A. Yes.

Q. Was he assigned to the maintenance department or was he assigned to paint their products, or do you know?

A. I don't know. He just did painting, is all I know.

Q. You may not have enough details about the work he was doing there. Do you know if it was work where they, for example, used spray painting equipment or whether they used brushes or both; or do you know?

A. I know he used brushes. I don't think he did any spray painting.

Q. While he was working there, did Virge go to work in painter's clothes and come home in painter's clothes; or did he wear other clothes and change at work? Or do you know?

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A. No. He came home in them.

Q. You know what I mean by painter's clothes? You go out to the house and he's got on his nice white stuff, but it's got paint all over it from various jobs.

A. Yes.

Q. Clothes he wore to work?

A. Yes.

Q. Where did Virge work after he worked as a painter for Day & Zimmermann?

A. I think that's when he went to work for the police department.

Q. Forgive me for asking this: is this his first work, now, for the police department; or is this another tour?

A. This is another time.

Q. I remember he worked several times at the deputy sheriff, but I lost track on the police department. He went back to the Texarkana Police Department?

A. Yes.

Q. Incidentally, do they have one that's a Texarkana, Texas, Police Department and another that's a Texarkana, Arkansas, Police Department; or do they have just one for Texarkana?

A. No. Everything is separate.

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Q. When he was working, was he in the Arkansas Police Department?

A. Yes.

Q. How long did he do that, police officer, Texarkana, this time?

A. Until '70 -- no -- yes.

Q. Same kind of work he'd done earlier, mostly in an automobile, patrolling?

A. Yes.

Q. Do you remember why Mr. Faulkinbury left that employment this time?

A. I don't remember why.

Q. Is this the job that he had when y'all left to go to Arkansas, or had he already left the police department and taken up some other line of work there in -- I'm sorry. Strike the question.

Is this the job he had, he was working for the Police Department, when y'all left to go to El Paso?

A. Yes.

Q. And y'all had never lived in El Paso before, had you?

A. I had not.

Q. Had Virge ever lived in El Paso before?

A. I don't know. He had been there.

Q. Do you have any belief that he'd ever lived in

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El Paso before?

A. I think he did. I think he told me he did a few months or so.

Q. Do you know when that was?

A. No.

Q. Why did y'all go to El Paso?

A. My son kept having bronchitis. And he had been there before, and he wanted to go back there. And he said the air there would be better for him. And he got the job, and we went.

Q. Now, was this Robert; or was this Karlton?

A. Karlton.

Q. And this was in about 19 -- was it 1970?

A. Yes.

Q. And was Virge's employer in El Paso National Life and Accident Insurance Company?

A. Yes.

Q. Was he selling life insurance for them?

A. Yes.

Q. When was Karlton born, Mrs. Faulkinbury?

A. March of '59.

Q. The little boy had bronchitis; is that right?

A. Yes.

Q. He was about 11 years old?

A. When we went to El Paso?

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Q. Yes, ma'am.
A. Yes.
Q. Was it Virge that suggested y'all go out there? I'm not trying to trick you. I just didn't understand you. I thought you said that Karlton had been there and Karlton had suggested you go there. He's only 11 years old, so I'm not understanding you.
A. No. It was Virge.
Q. It was Virge that had been there; right?
A. Right.
Q. And it was Karlton that had bronchitis?
A. Right.
Q. And he was 11 years old, or thereabouts?
A. Somewhere around there.
Q. And so did Virge get the job before y'all went out there, or did he go out there and look for employment?
A. No. He got it before we went out there.
Q. Was it Karlton's bronchitis that was the reason for the trip?
A. Partly the reason.
Q. What was the rest of the reason?
A. Like I told you, he wanted to go back, Virge did. He wanted to go out there and live.
Q. Was anybody else's bronchitis a moving force in

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the trip, like yours?

A. No.

Q. How about Virge? Was his health a reason for moving to El Paso?

A. No.

Q. So you moved just because the middle boy, or the younger son had this bronchitis and also Virge was in a mood to go to El Paso, having lived there before?

A. Yes.

Q. And while he was there, while y'all were there, Virge was a life insurance salesman; is that right?

A. Yes.

Q. Did he pursue any other line of work while he was there?

A. No.

Q. Does your boy, Karlton, still suffer from bronchitis?

A. Not as much as he used to.

Q. Did you ever find out what was the reason that your son had it?

A. The humidity had a lot to do with it, and he had his tonsils taken out.

Q. Did the doctor ever give you any help in understanding why Karlton had bronchitis?

A. No. I don't remember if he did.

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Q. Was Karlton hospitalized ever for any kind of bronchitis or any kind of respiratory problem?

A. Just when he had his tonsils out.

Q. Never for bronchitis?

A. No.

Q. Did the doctor suggest that the boy had that difficulty, bronchitis, because of some humidity problem in Texarkana?

A. I don't remember if the doctor said it or not.

Q. I'm not trying to put words in your mouth. I'm trying to understand what you meant. Is that your notion, maybe?

A. I don't remember. That's been so long ago.

Q. If it hadn't been for the young boy, Karlton, having bronchitis, would y'all have stayed in Texarkana?

A. I don't know.

Q. Well, I'm not trying to put words in your mouth. I'm merely trying to understand why you moved, as best I can. Just tell me, was the boy's health a reason for the move?

A. One of the reasons, yes.

Q. Y'all lived in El Paso from May of '70 into the year 1971. Then you moved back to Texarkana.

A. Somewhere along in there, yeah.

Q. Why did y'all come back to Texarkana?

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A. He just wanted to come back.
Q. "He" being Virge?
A. Virge.
Q. Had the youngster's health problem resolved itself?
A. He had gotten better.
Q. Did he change jobs -- he, Virge, change jobs when y'all moved back to Texarkana?
A. Yes.
Q. Or did he continue to work for the same company he was working for in El Paso?
A. No, he changed.
Q. When you returned to Texarkana, where did he go to work?
A. McLary Ford.
Q. How long did he work at McLary Ford?
A. I don't remember. A few months.
Q. Did he have that job when y'all left El Paso, or did y'all just go back to Texarkana and he look for a job when y'all got there?
A. I don't remember if he had it before he came back or not.
Q. Did he work more than once at McLary Ford?
A. Yes.
Q. And this time, it was not long after y'all got

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back, he was a truck salesman; is that right?

A. Yes.

Q. Didn't do that very long when he got back, did he?

A. I don't think so.

Q. Then where did Virge go to work?

A. I can't remember. I was trying to think. He changed jobs a lot.

Q. I know that after he'd worked at McLary Ford, he worked for the Woodmen of the World, didn't he?

A. Not right afterwards.

Q. At any time afterwards -- I think we've already said you can't remember where he worked right afterwards. We're clear on that, aren't we? We don't know where he went to work right after --

A. He went to work for National Life. I don't know if he went to work right after he quit McLary Ford or not.

Q. Was that --

A. That was the second time we went to El Paso.

Q. Let's just try to focus, if we can, on the period of time between the time you went back to Texarkana and he was working for McLary Ford for not long; okay? Then he worked somewhere else, didn't he, before y'all went back to El Paso?

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A. No, I don't think so.

Q. How long did y'all stay in Texarkana when you moved back there from El Paso the first time?

A. Not very long. About a year or so. About a year, maybe.

Q. In that year or so, did he work anywhere else besides McLary Ford?

A. I don't think so.

Q. Up until this period of time in ya'll's married life, had Virge been unemployed for any particular period of time?

A. (Shrugging)

Q. You have to say something.

A. I'm trying to think.

I don't think so.

Q. He'd never been out of a job for any particular matter of weeks or months?

A. Not that long.

Q. Okay. Why did y'all decide to go back to El Paso?

A. He just wanted to go back, and Karlton did better there with his bronchitis. And they wanted to go back.

Q. "They" is who, please?

A. Virge, Karlton, and Evelyn. And I did, too.

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Q. Why did you want to go back?

A. I liked the climate. I liked the city. I just liked being there.

Q. Had Karlton begun to have bronchitis problems again?

A. Yes.

Q. And basically the kids wanted to go back and Virge wanted to go back and you wanted to go back?

A. And they would hire him back. So we went back.

Q. And his old job was available?

A. Uh-huh.

Q. The second time that you were living in El Paso, was Virge again working for the insurance company?

A. National Life, yes.

Q. Again he was selling life insurance, was he?

A. Yes.

Q. When he was doing that in El Paso, how did he go about doing that? Did he go to his office and call people on the phone? Did he go and call on people in their residences? Did he work out of his home? How did he go about selling that insurance?

A. He had a route that he collected.

Q. A debit route?

A. Yes. And he also sold -- during this time he

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would make contact with people on his route, and sometimes he would get calls from the office.

Q. Go call on somebody, and he'd go see them?

A. Yes.

Q. And he had a debit premium route where he'd collect money from people?

A. Yes.

Q. That's what he did both times y'all were living in El Paso?

A. Yes.

Q. Was it about January of '76? Is that when you told me you moved back?

A. It was the last part of '75 or January '76.

Q. Okay.

(RECESS)

(QUESTION READ)

BY MR. STALLINGS:

Q. Was Mr. Faulkinbury's health a reason for your moving to El Paso the second time?

A. No.

Q. Why did you move back to Texarkana from El Paso the second time?

A. His mother and Dad were ill, and he felt like he needed to be back because of them. And he was beginning to get sick then.

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Q. Was Mr. Faulkinbury, your husband, hospitalized on either occasion that you all lived in El Paso?

A. No.

Q. Did he see any doctors for his own health while y'all were in El Paso?

A. Yes.

Q. The first time or the second time, or both?

A. The second time.

Q. Who was that?

A. Dr. Thomas.

Q. Any others?

A. I don't remember. He went to see one other doctor, but I don't remember what his name was. He broke his shoulder while he was there.

Q. Did Virge work for the Woodmen of the World in El Paso?

A. Yes.

Q. Had he left the employment of National Life and Accident?

A. Yes.

Q. Why did he leave National and go to work for the Woodmen of the World?

A. It was more money.

Q. He left voluntarily?

A. Yes.

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Q. How long did he work for Woodmen of the World before y'all went back to Texarkana?

A. Not very long. Two or three months.

Q. Was that work of the same nature, life insurance salesman?

A. Yes.

Q. Was the Woodmen of the World also a debit route?

A. No.

Q. Was that sales work that he did out of their office, or did he actually drive around and go house to house?

A. Which one?

Q. Woodmen.

A. Only when he had appointments. He worked by appointments.

Q. Okay. When y'all went back to Texarkana the second time, where did he first work?

A. The second time?

Q. Yes.

A. McLary Ford.

Q. It was the same situation as when you came back the first time? On both occasions that you went back from El Paso to Texarkana, he went back to work for McLary Ford; right?

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A. He sold used cars the second time he came back.

Q. How long did he do that?

A. Not very long. In fact, I think a matter of weeks.

Q. And what did he do then?

A. He went to work for some insurance company. In fact, I don't remember if he went to work for the insurance company before he went to work for McLary Ford. He worked for both a few weeks, but he was beginning to get where he could not work.

Q. By June of 1976, Virge was disabled, was he not?

A. Well, before that. But that's when I think they said he didn't need to work anymore.

Q. He was actually physically disabled before that time?

A. He tried to keep working, yes.

Q. Well, by the summer of 1976, he had applied for Social Security benefits by reason of the fact that he was physically disabled, had he not? Isn't that correct?

A. I think it was in the summer.

Q. Right. So between January of '75 and the summer of '76, he worked for some insurance company and he worked for McLary Ford?

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A. Yes.

Q. Did he have any other employment in that period of time?

A. I don't think so.

Q. In that six-month period, do you remember where you were working?

A. Yes.

Q. Where? Will you tell me?

A. Harkness, Freedman & Kusin.

Q. After the summer of 1976, did Virge ever work again?

A. No.

Q. Is Southwestern General Insurance Company out of Dallas the insurance company you're referring to that he worked for in that six-month period?

A. I don't remember.

Q. Did any of Virge's employment ever cause him to get sick?

A. No.

Q. No conditions that you're aware of on any of his jobs ever affected him adversely physically?

A. No.

Q. For the last 20 years of his life, which would be '64 -- 19 years, up until his death, the only real physical type labor employment he had was while he was a

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painter; right?

A. Yes.

Q. Virge was never in the military service, as far as you know?

A. Not that I know of.

Q. Do you know why he never served in the military?

A. No.

Q. Do you know what his draft board classification was?

A. Two something. I don't remember.

Q. What does that mean?

A. I just remember it being two something.

Q. Is that some sort of physical impairment or --

A. I think it was a business deferment.

Q. By reason of the fact that he was a police officer?

A. No. He had a business. That's what he told me. I don't really know.

Q. Where did Virge register for the draft? Texarkana, Arkansas?

A. I don't know.

Q. How many brothers and sisters did Virge have?

A. One brother and one sister.

Q. You're aware that he had another brother that

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died in infancy?

A. Yes.

Q. His other brother was older than Virge; is that right?

A. Yes.

Q. Is he still alive?

A. Yes.

Q. His name is what?

A. Henry.

Q. Where does Henry live?

A. Somewhere up in Oklahoma.

Q. How long has it been since he lived in Texarkana, or do you know?

A. Quite a few years.

Q. Henry is in his late 60's now?

A. I think he is.

Q. When is the last time you saw Henry?

A. A few months ago.

Q. What was the reason for seeing him?

A. He came to visit my sister-in-law.

Q. And you were living next door, and so you saw him once in a while?

A. Yes.

Q. Does Henry smoke?

A. No. He used to.

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Q. How long did he smoke?
A. I don't know.
Q. How long has it been since he's quit?
A. I don't know.
Q. Is Hazel Virge's sister?
A. Yes.
Q. That's the lady that lives next door to you?
A. Yes.
Q. And what is her last name, now?
A. Spradlin.
Q. Does Hazel smoke?
A. She did.
Q. For how long?
A. I think she told me a long time.
Q. When did Hazel quit smoking? Or has she? Has she quit?
A. She says she has.
Q. That makes me think you don't believe her.
A. I don't know. She says she has.
Q. She told you she has?
A. Yes. I don't see her with a cigarette.
Q. How long has it been since she quit?
A. A few months.
Q. And she had smoked all the time that you had known her, since '64, until a few months ago?

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A. I think so.
Q. Does Mr. Spradlin live with Hazel?
A. No.
Q. Who lives with Hazel, if anyone?
A. No one.
Q. She lives alone, and you live alone?
A. Yes.
Q. So y'all see each other, I suppose, almost daily?
A. Yes.
Q. Was there a guest book that had the names of the persons that attended Virge's funeral?
A. Yes.
Q. Do you have that?
A. I think so.
Q. Where is Virge buried?
A. Shilo, Texarkana, Arkansas.
Q. Shilo is the name of the cemetery?
A. Yes.
Q. Do you have any present plans to remarry?
A. No.
Q. Are you seeing any persons, any men? Are you going out any?
A. Yes.
Q. Are you seeing any one particular person on a

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regular basis?

A. Yes.

Q. Who?

A. Gene Crabtree.

Q. Who were Virge's good friends?

A. He really didn't have any. He didn't visit a lot with people.

Q. Did Virge ever go hunting?

A. No.

Q. Did he ever go fishing?

A. Some.

Q. Did he play poker?

A. No.

Q. Did he ride a motorcycle?

A. Yes.

Q. Did he do any other recreational or activities that are generally associated with men rather than women, like riding motorcycles, fishing, hunting, poker playing, that kind of thing? Did he do any other things like that?

A. He talked on the CB radio a lot.

Q. What was his handle?

A. Taco Kid.

Q. What other hobbies did he have, if any?

A. That's about it.

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Q. Did he also talk on a ham radio?
A. No.
Q. Who were the pallbearers at Virge's funeral?
A. Curtis Cornett.
Q. How do you spell his last name?
A. C-o-r-n-e-t-t.

Blackie Green, Joe Garcia, some guy named Alexander. He's a policeman. I don't remember his first name. I can't remember.

Q. That's fine. That's a good recounting right there.

Are these personal acquaintances of Virge's, people that he knew before?

A. He worked with most of them.
Q. Like Curtis, for example. Where did Virge work with Curtis?
A. McLary Ford.
Q. How about Blackie?
A. Sheriff's office.
Q. And Joe Garcia?
A. He didn't work with him.
Q. How did he know Joe?
A. They kind of grew up together.
Q. How about Mr. Alexander? How did he know Virge?

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A. Police department.

Q. Did Virge belong to any kind of fraternal organization?

A. Elks.

Q. Any other men's organization that he belonged to?

A. One another one, but I don't remember the name of it.

Q. What does it have to do with, church or police or what?

A. No. It was a fraternal organization. I don't remember the name. It's kind of like the Elks, but it's something else.

Q. Did he belong to any kind of law enforcement organization, reserve deputy sheriff or anything like that?

A. Yes, but I don't know what the name was. They just -- the sheriff just issued them a card.

Q. So even after Virge had left the Miller County Sheriff's Office, he had some sort of card where he was kind of -- some sort of sheriff?

A. Yes.

Q. Did Virge read a lot?

A. Not a lot.

Q. What kind of things did he read?

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A. Newspaper.

Q. What paper did y'all take?

A. Texarkana Gazette, El Paso Times.

Q. Did you take any magazines?

A. I can't remember that we did.

Q. Do you ever remember Virge reading any magazines in the 19 or so years y'all were married on a regular basis?

A. Not on a regular basis.

Q. What kind of books did he read?

A. He didn't, really.

Q. We're talking about a man that didn't work and stayed home all day long for the last seven years of his life; isn't that right?

A. That's right.

Q. Did he read anything except the Texarkana Gazette?

A. Well, he'd read magazines occasionally, but not any particular kind.

Q. Are these magazines that he'd just pick up somewhere or go buy them, or somebody would give them to him or what?

A. Sometimes I'd go buy him some.

Q. What did you buy him?

A. He really didn't have any particular kind he

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wanted. Sometimes I'd buy like fishing, hunting, travel, trailer magazines, travel life.

Q. Did Virge watch a lot of TV?

A. Yes.

Q. Do you know what programs he watched?

A. No particular kind.

Q. Would he watch TV most of the day?

A. I don't know what he did during the day.

Q. Well, now about on Saturday or Sunday when you weren't working and you'd be home with him all day? Were you home with him all day on Saturday and Sunday?

A. Yes.

Q. Then what did he do on those days? Did he watch a lot of TV?

A. He'd watch some TV, or he'd go with me if I went to the grocery store.

Q. Virge wasn't able to get up and walk around a great deal, was he?

A. No. He lay down a lot, slept a lot.

Q. So he basically had to stay home, and he was a semi-invalid; is that right? Since about 1976; correct?

A. Yes.

Q. Well, therefore -- I'm not trying to suggest your answer, but it occurs to me that that's the kind of person that would do a lot of TV watching and perhaps a

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lot of reading. Am I mistaken?

A. Well, he watched TV more than he read.

Q. Okay.

A. He slept a lot.

Q. For example, would Virge watch any morning TV programs when you were getting up and going to work, Good Morning America or whatever?

A. No.

Q. Did he watch the news at night?

A. Sometimes 6:00 o'clock news.

Q. Did he watch any particular station?

A. No. Just whatever was on that he wanted to watch. Just different things.

Q. Would he watch any particular station if he wanted to watch the news?

A. Yes, our channel, Texarkana channel.

Q. Is there more than one channel in Texarkana?

A. No.

Q. Is that an affiliate with any network?

A. I don't know what it is.

Q. Like is it ABC or is it NBC or is it CBS, or do you remember?

A. I don't know what it is.

Q. Mrs. Faulkinberry, did y'all have cable TV?

A. Yes.

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Q. What years did you have that?
A. Up until '82.
Q. Up until '82 from when, please?
A. Well, we had it in El Paso; and then we had it when we came back from Texarkana.
Q. Did you have it as soon as you came back from El Paso, which was January of '76? I have no idea when they started cable TV in Texarkana.
A. Yes, I think so.
Q. So you had access to a lot of -- Virge, if he was watching TV, had access to, say, a lot of TV channels, then; right?
A. We didn't have too many. Probably about seven or eight, maybe.
Q. Whatever TV channels were on cable in Texarkana, y'all had; right?
A. Yes.
Q. Did Virge listen to the radio a great deal?
A. Yes.
Q. Do you know what he listened to, what programs he listened to?
A. He just listened to the music, country and western music.
Q. Do you know what station, for example, he would listen to most of the time?

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A. I think it was KCMC.

Q. Did y'all have, after '76, more than one automobile?

A. Part of the time.

Q. For example, during that period of time, '76 onward, would Virge, during the day perhaps, drive around, visit friends, go somewhere?

A. Sometimes, if he felt like it, he'd go have coffee with his sister.

Q. Would that necessitate getting in a car and driving somewhere?

A. Yes.

Sometimes she'd come pick him up if he didn't feel like driving.

Q. What years did Virge have a motorcycle?

A. About '80 or maybe early '80's.

Q. I recall '80's.

A. About early '80's . Sometime in the '80's, I think.

Q. Well, let's see if -- you recall he died in September of '83; right?

A. Yes.

Q. Was he still riding a motorcycle in those years?

A. No.

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Q. You mean the early '70's?

A. Maybe I meant '70's, late '70's.

Q. Was it before y'all had come back from El Paso the last time, or after?

A. Afterwards. He only had it a few months.

Q. Oh, he didn't have it a long period of time?

A. No. Just a very short time.

Q. What kind did he have?

A. Yamaha 125 or something. It wasn't a very big one.

Q. Did Virge have any other hobbies other than talking on the CB radio?

A. Not that I can remember.

Q. You mentioned he liked listening to country and western music. Could you play guitar?

A. No.

Q. Did Virge drink?

A. Occasionally.

Q. What would he drink? Beer?

A. Sometimes.

Q. If he was drinking something other than beer, what would it be?

A. Usually some type of whiskey. But he didn't do that very, very, very seldom.

Q. What did he like? Bourbon, CC, scotch, what?

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A. CC, Bacardi.

Q. Strictly a social drinker?

A. Yes.

Q. Never had any kind of problem with alcohol?

A. No.

Q. Had y'all been on any trips or vacations where you left the Texarkana area in, say, the years back to 1976, when you came back to Texarkana?

A. Yes.

Q. Where did you go?

A. El Paso, Tucson, Phoenix.

Q. Is that one trip where you went to those places and came back to Texarkana, or is that several trips?

A. That is one particular trip.

Q. When did you make that trip?

A. '70's, late '70's. I don't remember. '78 maybe.

Q. Where did you -- what was your destination?

A. Phoenix.

Q. Who were you going to see when you got there?

A. His son.

Q. Y'all went to Randy's house?

A. Yes.

Q. And how long did the trip last?

A. About a week. Less than a week.

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Q. Did you drive?

A. I did, yes. He didn't.

Q. Did you see friends in El Paso that you'd met when you lived there?

A. Yes.

Q. How long did y'all stay in El Paso?

A. A couple of days.

Q. Who did you stay with?

A. We didn't. Stayed in a motel.

Q. And how about in Tucson?

A. Stayed in a motel.

Q. And did you stay with Randy in Phoenix?

A. No, we didn't stay in Phoenix. We just went there and left the same day.

Q. Is Phoenix where Randy was living?

A. Well, Tempe. Right out of Phoenix.

Q. Did you stay in Tempe?

A. We didn't stay. We only had lunch with him, and then we started back to El Paso.

Q. Drove all the way to El Paso to see Randy, and then came back?

A. Yes.

Q. Was that the way you planned it?

A. We went to Tucson, went that morning from Tucson, went to Phoenix, had lunch, and went back.

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Q. Who were the people you saw in El Paso?

A. I can't remember his name that he worked with.

Q. Did y'all have some particular good friends in El Paso as a result of living there twice?

A. Not really. He didn't visit too much. A few people he worked with.

Q. Who did you see in Tucson?

A. No one.

Q. Why did you stay such a short period of time in Tempe after driving all that distance?

A. That's as long as we wanted to stay.

Q. Y'all just wanted to go have a visit and then leave? You didn't have any plans to stay longer; is that right?

A. Right. That's right.

Q. Did anyone accompany you on the trip, or was that just you and Virge?

A. Just he and I.

Q. You said that was one trip you had taken in the last, oh, seven years or so of Virge's life. Did you have other trips?

A. We went to El Paso. That's about where we usually went, was El Paso.

Q. Did you say that's where you usually went?

A. One time we went from San Antonio to El Paso.

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Other than that, all the other times were El Paso.

Q. On each occasion, did you drive out there?

A. Yes. I did.

Q. Were these trips when you were having your vacation?

A. Yes.

Q. Did you see the same people in El Paso when you'd go?

A. Sometimes we wouldn't see anyone.

Q. What would you do in El Paso, Mrs. Faulkinberry?

A. Drive around places where we lived.

Q. Go to the dog races or do anything for fun?

A. No, we didn't do anything.

Q. Do you know the name of the priest at the church that Virge went to occasionally?

A. Father Riedmuller.

Q. Have you been there for some period of time?

A. He's not there anymore.

Q. Any other priests at that church?

A. I can't remember the other father's name.

Q. After you married Virge, when you went to church, you went to the Catholic church there in Texarkana?

A. Yes.

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Q. As a matter of fact, you had started going to the Catholic church before you met Virge; right?

A. Yes.

Q. And just give me a kind of general idea how often Virge would go.

A. Some months he might go two times out of the the month. Next month he might not go at all. Sometimes it would depend on what my children were in, what they did.

Q. Did Virge ever stop attending church, or did he continue to go --

A. No. He stopped.

Q. Is that because he wasn't able to get up and around as much?

A. Yes. Couldn't get up the steps.

Q. Did Virge have any hobbies, like making things at home?

A. No.

Q. Woodworking, for example?

A. No.

Q. Making bottles?

A. No.

Q. You don't smoke and never have smoked; correct?

A. That's right.

Q. What's your first recollection of Virge

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smoking?

A. I don't understand what you mean.

Q. Was Virge a smoker when you met him?

A. Yes.

Q. Do you know when he first started smoking?

A. No.

Q. What kind of cigarettes did he smoke?

A. Raleighs.

Q. Did he ever smoke other brands of cigarettes while y'all were married, after '64?

A. None that I know of.

Q. How much did Virge smoke?

A. Oh, probably about a couple of packs a day. And then he'd get up to three, and then he got up to four.

Q. Did Virge or anyone else tell you when he first started smoking?

A. I don't remember if he did or not.

Q. So you simply don't have any information about when he started?

A. No.

Q. Chronologically, tell me when it was that he moved from, say, a couple of packs a day to three?

A. I can't remember.

Q. Can you remember when it was that he moved to

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tour?

A. The last few months that he lived.

Q. In 1983?

A. Well, probably about '82 and three.

Q. Well, the reason I said '83 is you said the last few months, and --

A. He could have been smoking four a day in '82. I don't know. I know he did the last few months before he died.

Q. Before '82 or '83. In other words, before that period of time that you've categorized as the last few months, did the amount that he smoked vary from day to day?

A. Sometimes.

Q. Sometimes a couple of packs a day, sometimes more, perhaps sometimes less?

A. Yes.

Q. What kind of Raleigh cigarettes did Virge smoke?

A. You mean what kind --

Q. Were they regular-sized cigarettes; or were they king-sized cigarettes, for example?

A. They were regular.

Q. Were they filter cigarettes, or were they nonfilter cigarettes?

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A. They were filter.

Q. Did he smoke regular-sized filter Raleigh cigarettes all the time that you knew him from 1964 on?

A. As far as I can remember.

Q. When Virge did smoke, did he inhale?

A. Yes.

Q. Did he inhale deep?

A. I don't know.

Q. Was he a chain smoker at times?

A. The last few months.

Q. Was he a chain smoker only in the last few months, what you call the last few months, which we've said was kind of '82, '83?

A. I think so.

Q. When he would smoke before that period of time, would he smoke a cigarette, say down maybe half of its length most of the time, or less? Or more?

A. Sometimes. Sometimes he didn't. Depend on what he was doing.

Q. I guess you're telling me that it just varied in terms of how long he smoked each cigarette down to --

A. Yes.

Q. -- or how much he smoked each cigarette. It just varied; right?

A. Yes.

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Q. You saw no pattern in terms of smoking it right down to the butt or, for that matter, smoking it halfway or less? You just didn't observe a pattern in how he smoked?

A. No.

Q. Is that right, what I just said?

A. That's right.

Q. Have you ever seen him use one cigarette to light another cigarette?

A. The last few months, yes.

Q. Was it only in the last few months that you saw that?

A. That I can remember.

Q. It's only in the last few months you can remember seeing that?

A. Yes.

Q. Was there any particular place that Virge got his cigarettes?

A. Usually when I bought them at the grocery store.

Q. Most of the time, did you do the grocery shopping for the family yourself?

A. Yes.

Q. And so when you would buy groceries, you would also pick up some cigarettes for Virge?

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A. Yes.
Q. And you always bought Raleighs, did you?
A. Yes.
Q. Because you knew that was his brand?
A. Well, he'd tell me to.
Q. Well, I mean, you knew he smoked Raleighs; and he would say, "Get me some Raleighs"?
A. Right.
Q. The reason that you bought Raleighs was because you knew it was his brand and it was pursuant to his instructions that you bought Raleighs?
A. Yes.
Q. Now, tell me where you did your grocery shopping?
A. At Skaggs, Albertson's.
Q. Are you saying Skaggs, S-k-a-g-g-s?
A. Yes.
Q. Where is that?
A. In Texarkana.
Q. Is it on the Arkansas side?
A. That's on the Arkansas side.
Q. And what was the other place? Fat Albert's or --
A. Al --
Q. Albert's?

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A. Albertson's.
Q. Where is Albertson's?
A. On the Texas side.
Q. Are those both supermarkets?
A. Yes.
Q. How much do you shop, Mrs. Faulkinbury?
A. Every week.
Q. Do you generally go once a week?
A. Yes.
Q. On Saturday?
A. Yes.
Q. You would generally go to the grocery store once a week on Saturday and buy the food for the week?
A. Right.
Q. What other places would you shop besides Albertson's and Skaggs?
A. Sometimes we'd go to Safeway.
Q. Where else did you shop? Is that it? Buy almost all your groceries at Albertson's, Skaggs or Safeway?
A. Or Piggly Wiggly. That's about all.
Q. When you lived in El Paso, where did you shop?
A. Safeway store and --
Q. You also shopped Safeway in Texarkana?
A. Yes.

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Q. Where is Piggly Wiggly?
A. In Texarkana.
Q. Arkansas?
A. Arkansas.
Q. Safeway?
A. Texas.
Q. Have those stores been there a long time?
A. Well, they put Skaggs in while we were gone to El Paso.
Q. Did you buy essentially all the cigarettes you bought for Virge after '64 at either Albertson's, Skaggs, Piggly Wiggly or Safeway?
A. Well, Albertson's and Skaggs wasn't there very long.
Q. That's the reason I was asking you if they had been there a long time?
A. No, those hadn't.
Q. Before that, did you shop at Safeway and Piggly Wiggly? And is that where you bought most of the cigarettes you bought?
A. At one time there used to be an A & P store there, but they don't have them there anymore.
Q. Before Albertson's and Skaggs, Safeway, Piggly Wiggly and A & P?
A. Right.

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Q. Other stores? Or is that essentially where you would have bought the cigarettes while you and Virge were married?

A. I would say biggest part of the time.

Q. All right. Where is the A & P? Did you tell me?

A. Texarkana. But I can't remember if it was on the Arkansas or Texas side. It's been a long time.

(RECESS)

(QUESTION READ)

BY MR. STALLINGS:

Q. Mrs. Faulkinbury, what Elks Lodge was it that Virge belonged to?

A. One there in Texarkana. I don't know. There's only one there.

Q. Where did y'all go to church in El Paso? Or did you live there long enough to establish a relationship with a church?

A. I don't remember the name of the church.

Q. Did Virge like to watch any kind of particular TV program?

A. He liked westerns.

Q. Gunsmoke and stuff like that?

A. Yeah.

Q. How about sports, did he watch any particular

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kind of sports?

A. Yes, he'd watch football, mostly.

Q. Pro ball or college ball, or both?

A. Both.

Q. Was Virge a Razorback fan?

A. Yes.

Q. Did he watch automobile races on TV or motorcycle races?

A. Motorcycle races.

Q. How about auto races?

A. Yes.

Q. Was there anything particularly wrong with Mr. and Mrs. Faulkinbury? You said their health was a factor in moving back to Texarkana from El Paso. Was there any particular illness, or was it just advancing years?

A. His dad had gotten almost bedridden.

Q. From what?

A. Old age, I guess. I don't remember.

Q. Were there places in your house or in your mobile home, when you were living in a mobile home, where Virge did not smoke?

A. No.

Q. Do you understand the question? In other words, were there certain parts of the house or home

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that were off limits for smoking?

A. No.

Q. Did he keep his cigarettes in any particular place in the house?

A. No.

Q. Didn't keep them always in the kitchen cabinet or always in your credenza or -- no particular place?

A. I would say in the bedroom.

Q. Were there times he did not smoke around the children, your children, because of -- for example, because of their youth, when they were quite young?

A. No, not that I remember.

Q. Were there any times that he did not smoke around you; that is, he refrained from smoking around you?

A. Yes.

Q. When?

A. When I was having so much trouble with bronchitis.

Q. Whenever you were having a bout that was a serious problem with bronchitis?

A. He couldn't smoke in the bedroom when I was in there, because -- well, he did some; but not very much, because I couldn't breathe in there.

Q. Well, when you say he couldn't smoke in the

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bedroom, do you mean that was all the time; or was that only when you were having bronchitis problems?

A. It was just some of the time.

Q. Was it some of the time when you were having bronchitis problems?

A. Well, that was -- yes.

Q. Well, what I'm understanding you to say is there was no part of the home or your house that was out of limits, except the bedroom at those times when you were having problems with bronchitis; is that accurate?

A. Yes.

Q. Were there times when he refrained from smoking around your children when they had any health problem?

A. I can't remember if he did.

Q. So although you can remember that he would refrain from smoking in your presence when you had bronchitis, you can't remember if that ever was the situation with your son, Karlton, for example?

A. That's been several years ago. This has just been the last few years.

Q. Is it accurate that you can't remember situations when he refrained from smoking around Karlton because of the boy's problem?

A. I don't remember.

Q. Fine.

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Now, you mentioned that he refrained from smoking around you because of your bronchitis, but only in very recent years. Is that what you're meaning to tell me?

A. Yes.

Q. What recent years?

A. The last few years. I would say the last five years.

Q. Were there ever periods of time when, for health reasons, Virge didn't smoke?

A. Yes.

Q. What were those?

A. You mean when he didn't smoke himself?

Q. Yes, ma'am.

A. There was about two or three months.

Q. When?

A. I think it was in '77.

Q. Are you referring to a period when he actually attempted to quit?

A. Yes.

Q. Were there other times -- for example, when he had a severe cold or anything like that -- where he would not smoke for a day or two?

A. Not for a day or two. Maybe for a few hours.

Q. Because he had a cold, for example?

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A. Not a cold. When his emphysema would be bothering him.

Q. He might quit for a few hours, you say? He would just refrain from smoking for a few hours when --

A. If he was having a breathing problem, yes.

Q. Now, were there ever periods of time where, for religious reasons, he would refrain from smoking?

A. I don't remember any.

Q. For example, Lent?

A. No.

Q. Did he ever give up cigarettes for Lent?

A. Not that I know of.

Q. Did you ever give up anything for Lent?

A. I don't think so.

Q. Not a celebrant of Lent?

A. No.

Q. When would he usually have his first cigarette of the day?

A. When he woke up in the mornings.

Q. In the bedroom, or was that elsewhere in the house?

A. Most of the time the bedroom.

Q. Except in the last five years?

A. No. He usually did that anyway.

Q. Were there certain periods of time during the

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day when he smoked more than at other periods?

A. I can't remember any.

Q. For example, did he smoke more in the evening than during the day?

A. I don't think so.

Q. Did he smoke more often after meals? Did he usually smoke after meals, for example?

A. I couldn't tell any difference.

Q. Did he ever wake up in the middle of the night and smoke a cigarette?

A. Yes.

Q. What were his reasons for smoking, insofar as you understood them?

A. I don't know.

Q. Did he appear to smoke for relaxation?

A. I don't know why he smoked, unless because he had to have them.

Q. Did he appear -- did he smoke, do you think, to relieve anxiety?

A. I don't know.

Q. Or to relieve nervousness?

A. I don't know.

Q. Do you know if he smoked for stimulation?

A. I don't know.

Q. Pleasure? You don't know?

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A. I guess because he felt like he had to have one. I don't know.

Q. But you don't know any reason that he would have smoked, other than your statement you just made, "because he had to have one"?

A. I don't know.

Q. Did he ever smoke a pipe?

A. Yes.

Q. Cigar?

A. Very seldom.

Q. How about those little small cigars?

A. No, I can't remember him smoking those.

Q. What years did he smoke a pipe?

A. Well, he didn't smoke it all the time. Just occasionally.

Q. Did he occasionally smoke a pipe all the years that you knew him?

A. Very seldom.

Q. You tell me, you know, either -- you can tell me either in terms of the years that he did it or how often. I'd like you to tell me some notion of your best recollection of -- how much did he smoke a pipe? You can tell me any way you can articulate that.

A. It might be once a year. He might not touch it for two years.

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Q. Well, he wasn't a regular pipe smoker then, was he?

A. No.

Q. Did Virge ever have employment where there were restrictions on smoking?

A. I don't know.

Q. When you're a policeman, can you smoke on the streets, in uniform?

A. I never was with him. I don't know.

Q. Were you ever with your husband when he was in a police uniform on the street?

A. No, I don't think so.

Q. I'm not necessarily talking about while he was on the job. I'm just talking about when he might have been in uniform on the street in Texarkana.

A. Yes.

Q. Do you know whether or not there were restrictions on smoking on the street?

A. No, I don't think so, not when he was off duty, that I know of. I don't know what he did on duty.

Q. You simply don't know if there are limitations on that. Is that what you're telling me?

A. I don't know.

Q. How about Miller County Deputy Sheriff's Office? Any smoking restrictions on that job?

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A. There wasn't then that I remember.

Q. How about when he was working for the painting outfit, for the outfit where he worked as a painter, somebody and Zimmermann?

A. I know they had smoking restrictions then.

Q. There were some then?

A. Yes. They had certain areas they had to go to.

Q. Would you always buy the same number of packs of cigarettes at the grocery store?

A. Yes.

Q. Tell me how many you would buy when you did your week's shopping?

A. One carton.

Q. So would Virge then go through about a carton per week? Is that what you're telling me?

A. Sometime more. Usually about a carton and a half.

Q. Was that always the case during your married life, up until this last period of time that you referred to in '83, and possibly late '82?

A. Well, a long time ago. I don't remember.

Q. To the extent you do remember, is that about what it was up until the last period of time, '82 and '83?

A. To the extent I remember, yes.

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Q. Did Virge ever chew tobacco?
A. No, not that I know of.
Q. Did he use snuff?
A. Not that I know of.
Q. His mother and father used snuff, didn't they?
A. Just his mother, I think.
Q. Did y'all save Raleigh coupons?
A. Yes.
Q. What did you -- did you redeem them ever?
A. Yes.
Q. What did you get?
A. One time we got a lantern.
Q. Coleman lantern?
A. Coleman lantern. And I can't remember what else we got. A coffee pot. I don't remember anything else. We got several things, but I just can't recall them right now.
Q. Did Virge save them, or did you save them?
A. We both did.
Q. Did you keep track of how many y'all had in terms of what you could get?
A. Well, I guess it was kind of mutual.
Q. Did Virge ever try to cut down on -- that is, diminish -- the number of cigarettes he smoked?
A. Yes.

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Q. When did he do that, and how many times did he do that?

A. I don't remember that. I just know he did sometimes.

Q. Did Virge ever try to quit smoking?

A. Yes.

Q. How many times did he do that?

A. I don't know.

Q. How many times do you know of that he tried to quit smoking?

A. Well, I don't know. I don't remember. Just that one time that I remember.

Q. You remember one time for two or three months in 1977?

A. Well, I know he tried to quit sometime the last few years; but I don't know how many times or when.

Q. You told me you know of one time in 1977, for two or three months. And there may have been others, but you simply don't know about them?

A. Well, I know about this particular time. But the other times he tried to quit or slow down on smoking, I don't remember the times nor the years.

Q. What was the longest period of time, the one that you do remember?

A. Yes.

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Q. Two to three months?
A. Yes.
Q. Did anyone ever urge Virge to stop smoking?
A. I did.
Q. When did you urge him to do that?
A. A lot of times.
Q. Why did you do that; that is, urge him to quit?
A. Because I felt like they were bad for his health.
Q. How were they bad for his health?
A. Well, they made him cough. He couldn't breathe.
Q. How did you know that, Mrs. Faulkinbury? What made you believe that they were bad for his health in that they made him cough and caused him to be in a situation where he couldn't breathe?
A. I read articles.
Q. Did you see TV programs?
A. Yes.
Q. On the same subject, health and smoking?
A. Probably.
Q. What kind of articles did you read?
A. I read some out of the American Medical Association. Just different articles in magazines.
Q. What kind of magazines?

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A. Well, I don't remember the name of the magazines.

Q. Are we talking about magazines like Look -- the type magazine, not the particular one -- Look and Saturday Evening Post and those kind of magazines?

A. Yes.

Q. As distinguished from some kind of technical journal like the American Medical Association?

A. Yes.

Q. So you did read articles about -- out of those kind of what we'd call lay magazines, you read articles on smoking and health?

A. Yes.

Q. And these articles caused you to believe that smoking could impair your lung function?

A. Yes.

Q. Which is something you were observing in your husband through the years, isn't it?

A. Yes.

Q. How did you have occasion to read things from the American Medical Association?

A. My son sent them to me, and I read some from the law office where I worked.

Q. When you say your son, are you talking about Robert, the nurse?

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A. Yes.

Q. What was the reason for Robert to be sending you articles about -- from the American Medical Association publication?

A. Because he thought Virge smoked too much and they were hurting his health.

Q. When did Robert send you those articles?

A. When he was in the Navy back in the '70's.

Q. How long did Robert stay in the Navy?

A. I don't remember if he did three or four years.

Q. Was Robert born about sometime in '56? I can't remember. You told me earlier this morning, but I just don't remember.

A. No, I don't think I ever told you.

Q. Please tell me. When was Robert born? You told me he was 30, didn't you?

A. I told you he was 30.

Q. On my own, I then deduced he was born in 1956. He was born in about 1956?

A. July '56.

Q. Did he go into the Navy when he was about 17 years old?

A. Yes.

Q. And he stayed three or four years?

A. I can't remember if he did three or four.

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Q. Did one pitch?
A. Un-hun.
Q. So he would have gone into the Navy in about 1973?
A. Somewhere around there.
Q. So it would have been between '73 and the next -- sometime between 1973 and the next three or four years that he would have sent you some articles from the American Medical Association; correct?
A. Right.
Q. And were these reprints of articles that had been published in the American Medical Association Journal, or did he actually send you an American Medical Association Journal?
A. No, they weren't reprints.
Q. Did he send you that magazine?
A. He sent me some copies from it.
Q. That's what I meant by reprints. Maybe I'm --
A. They were taken from the book.
Q. Something that had appeared in what you understood was the American Medical Association Journal?
A. Well, I didn't understand it. It was written up there.
Q. How many articles did Robert send you?
A. I don't know. Two or three.

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Q. Did Robert send these to Virge, or did he send them to you to give to Virge and talk to Virge about it?

A. He sent them to both of us.

Q. Did he write you a letter and say that you ought to read these?

A. No. We'd discuss it.

Q. When he was home from the Navy?

A. Yes.

Q. Those would be the years when Virge was beginning to develop chronic obstructive pulmonary disease and emphysema, wouldn't they?

A. Yes.

Q. The years in 1973 and immediately thereafter, leading to Virge's taking disability for medical reasons in 1976; correct?

A. Well, he didn't have that then that we knew of. He was starting to --

Q. He didn't -- were you through?

A. He was starting to have breathing problems during that time.

Q. What were you meaning to tell me that you didn't know that he had in 1976?

A. I didn't tell you that I knew he had anything in '76. You said '73 or two.

Q. You knew by 1976 that he had emphysema and he

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had chronic obstructive pulmonary disease, didn't you?

A. Yes.

Q. I was just taking 1973 as a year I thought that we had concluded that he might have gone into the service, right about that time.

And the time that he would have sent you the articles would have been in the period between like '73 and '76; correct?

A. Yes, that's right.

Q. Did you say that he mailed them to you and then subsequently y'all talked about the subject when he was home?

A. Well, he brought it up to him a lot of times. And then he said he would do some research when he got back. And he did, and sent us the articles.

Q. What was the reason that Robert brought it up and told him he was going to do some research, because he observed his father having pulmonary problems?

A. I don't remember why it was brought up.

Q. When did he bring it up the first time?

A. I can't remember any particular time, particular date.

Q. Approximately when did he bring it up the first time? Was it before he went to the Navy?

A. No. It was after he went to the Navy.

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Q. It was after he had joined the service?

A. Yes.

Q. And he was home during that period of time and said he was going to do some research?

A. Yes.

Q. And he, in fact, did, as a corpsman, go do some research and assimilated some articles and sent them to you?

A. Yes.

Q. Now, as I recall, Robert was the child that had lived with his dad, Mr. Brooke?

A. Yes.

Q. And so that was the first time that he brought it up, to your knowledge, when he was home on leave or furlough from the Navy?

A. I don't remember if he brought it up before that or not.

Q. Did y'all live in the same city before Robert graduated from high school?

A. Seemed like it was just prior to us going back to El Paso.

Q. The second time?

A. Probably.

Q. Did Mr. Brooke live in the Texarkana area?

A. Yes.

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Q. Where did he live in Texarkana?
A. Markwood.
Q. Is that in Texas?
A. Arkansas.
Q. Markwood, Arkansas, that's pretty close in that general area?
A. No. He lived on Markwood Street in Texarkana, Arkansas.
Q. Okay.
You can't recollect the magazines that you had read the articles in?
A. No.
Q. Did you keep the American Medical Association articles, or did those get discarded over the years?
A. I kept them for a while, but I can't find them now.
Q. Did you misplace them at some time after Virge's death?
A. No. I don't remember. I just started looking through some things, and I can't find them.
Q. Were there other sources of your belief that smoking was bad for one's health and therefore bad for Virge's health, in the sense that it would cause him to cough and to have difficulty in breathing, other than you have told me about?

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A. Ask me that again.

MR. STALLINGS: Read it, please.

(QUESTION READ)

BY MR. STALLINGS:

Q. Did you understand the question?

A. Well, I understand it; but I don't know how to answer it right now.

Q. Let me help you, then. Here's what you've told me so far. You told me that you saw some articles in some magazines that are what we call lay publications.

A. Yes.

Q. And you said you saw some TV programs or TV advertisements or TV shorts, things like that; okay? Right?

A. Yes.

Q. You said that you had seen some articles that your son, Robert, had sent you while he was a corpsman in the Navy?

A. Yes.

Q. That's three things so far; right?

A. Yes.

Q. You also told me, I think, that you'd read some material at work; right?

A. Yes.

Q. And that was material in the safety department

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there at International Paper?

A. Did I tell you that?

Q. Well, I don't know that you did or not. But did you? That's the only place I thought that you worked that --

A. I don't think I told you that. But, yes, I have read some at the safety department.

Q. Have you read material in the safety department at International Paper about smoking and health?

A. Yes.

Q. And did that material contribute to your belief that smoking was bad for your health in that it would cause you to cough and cause difficulty in breathing?

A. Yes.

Q. What else did you understand from that material that it might cause that was detrimental to one's health?

A. Cause lung cancer.

Q. Did you understand and form a belief that smoking could cause lung cancer from these other sources, such as the American Medical Association?

A. Yes.

Q. And such as the magazines that you read?

A. Yes.

Q. And such as the TV shows?

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A. Yes.

Q. Were there some safety magazines that y'all received there, or were they things that were collected for some reason or disseminated within the company by management? Or what was the source of the things you read at your job?

A. We got regular publications, like from the National Safety Council and --

Q. Okay.

A. And material from other publications.

Q. Forgive me, Mrs. Faulkinbury; but when was it you started at International Paper Company? About '78 or so?

A. I think it was January of '79.

Q. January of '79. And was it soon thereafter that you began to review the kind of written material you just referred to from the National Safety Council?

A. From there, yes.

Q. Is there any other source of information that formed the basis of your belief about smoking being bad for your health, besides the magazines, the information you received from your son, television material, and the things that you read at work? Were there other things?

A. Well, his doctors would tell him sometimes about smoking.

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Q. And did his doctors tell him that in your presence?

A. They told him in my presence that he should quit smoking.

Q. That's what I mean. Dr. Terry Davis told him in your presence to quit smoking, didn't he?

A. I think he did.

Q. Did Dr. Hughes tell Virge that he should quit smoking in your presence?

A. Dr. Hughes? Who is Dr. Hughes?

Q. Dr. Hughes is one of the physicians that was treating your husband in 1979 at St. Michael's Hospital.

A. Oh, yes.

Q. I'm sorry?

A. Yes.

Q. Did Dr. Hughes urge Virge to quit smoking in your presence?

A. Yes, he did.

Q. Did Dr. Robinson urge him to quit smoking in your presence?

A. Yes, he told him to quit smoking.

Q. Did Dr. Thomas in El Paso urge Virge to quit smoking in your presence?

A. I was never there when he saw Dr. Thomas.

Q. Do you know if Dr. Thomas urged Virge to quit

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smoking?

A. I don't remember if he told me or not.

Q. Did Virge get this advice as early as the year 1976?

A. I don't remember just what year that they told him.

Q. Have you reviewed any material from the Social Security Administration concerning Mr. Faulkinbury?

A. You mean the letter that Dr. Davis wrote?

Q. Yes, ma'am.

A. Yes, I've read it.

Q. Do you recall that he indicates in that letter that he had told Virge to quit smoking in 1973?

A. Yes, I think it's in there.

Q. Does that refresh your recollection as to the fact that Virge would have been urged to cease smoking as early as 1973?

A. As early as 1973?

Q. Yes.

A. He didn't write that letter in '73.

Q. I understand. He wrote the letter in '76, didn't he?

A. Yes.

Q. Doesn't he say in the letter that he had told Virge to quit smoking in 1973?

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A. He may have. I don't remember.

Q. Would that be in accordance with your recollection that Virge was urged by his doctors to quit smoking --

A. Well --

Q. -- in the early '70's?

A. I don't remember that Dr. Davis told him that back in '73. If he did, he didn't tell me.

Q. But he had certainly told him that by 1976?

A. I read it in a letter he told him.

Q. We know, Mrs. Faulkinbury, from what you've previously told me, that your son, Robert, was talking to Virge about not smoking and about stopping smoking in the period of time between 1973 and 1976 or so; right?

A. Yes.

Q. Were his doctors also urging Virge to stop smoking in that period of time?

A. That's what I said. I don't know if they did or not.

Q. Do you believe that they were?

A. I don't know.

Q. You do believe that they were at least by 1976, however, don't you?

A. Yes.

Q. Did Virge begin to have pulmonary problems when

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you were in El Paso?

A. The latter part of the time.

Q. Is that the first time he had pulmonary problems, or had he had breathing difficulties before that time?

A. Not that I know of.

Q. Did you begin to urge Virge to stop smoking soon after he developed pulmonary problems?

A. Yes.

Q. And you already told us that you urged him to cease smoking a lot of times; correct?

A. Yes.

Q. You told me that your son, Robert, did the same?

A. Yes.

Q. And you've told me that his doctors also urged him to quit; right?

A. Yes.

Q. That was true of Dr. Davis; right?

A. That's in the letter.

Q. And Dr. Robinson?

A. Yes.

Q. And the other doctor that you mentioned, Hughes?

A. Yes.

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Q. Were there other physicians who told him the same thing?

A. I can't remember any if they did.

Q. What was Virge's reaction to your telling him?

A. I don't know what he said.

Q. You really can't remember?

A. No. It's been all so long ago, I don't remember what he said.

Q. Can you remember the substance of what he said?

A. No.

Q. Did he just ignore you or did he argue with you, or can you remember?

A. I think he'd just try to quit or slow down a few days, and then he'd be back to his normal self.

Q. But you simply can't remember?

A. I can't think anything he said.

Q. Anything he said? Or you can't remember any discussion, at least discussions with you, about the subject; is that right?

A. Not right now, I can't.

Q. Can you remember what he told Robert when Robert brought this subject up in the mail and when he was at home visiting?

A. No.

Q. Can you remember what he would tell the doctors

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when the doctors would urge him to quit?

A. I can't remember.

Q. Mrs. Faulkinbury, can you remember the substance of what he would say? I'm not asking you to tell me the exact words. But you're unable to remember the substance of the discussions?

A. He usually just wouldn't respond at all to them.

Q. There wasn't any dialogue or any explanation or any justification or any reason or any discussion that you can remember from Virge on the subject; is that right?

A. He might just agree with them at the time. He might just say, "Yes, Doctor." But that's all he'd say.

Q. But you don't remember --

A. I don't remember anything else he said.

Q. Okay.

(RECESS)

BY MR. STALLINGS:

Q. Mrs. Faulkinbury, you told me that you had seen some material on smoking and health in one of the law offices that you worked at.

A. Yes.

Q. Were the lawyers that you worked for working on some asbestosis cases?

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A. No, I don't think so.

Q. Which law office was it where you saw the material?

A. Harkness, Freedman & Kusin.

Q. When was it?

A. '70's.

Q. What kind of cases were they working on that caused you to look at this material?

A. There weren't any cases they were working on.

Q. What kind of material was it that you saw in the Harkness law firm?

A. Just reports, cases, actual cases that had been tried.

Q. Were these personal injury cases that they were handling?

A. No. They were out of the book.

Q. They were reports of cases that had been handled by other lawyers?

A. Yes.

Q. Did you read about them in some sort of health -- I mean some sort of legal publication?

A. Yes.

Q. Do you remember what the name of it was?

A. No, I don't remember what the names were.

Q. Was it material that you were reading about

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somebody suing a cigarette company?

A. There was some, yes.

Q. Why don't you describe for me, in your words, the kind of material that you saw in the law office on smoking and health that contributed to your belief that smoking was bad for your health?

A. Well, I don't remember the name of the things I saw it in.

Q. Can you remember what it was about?

A. There were actual cases.

Q. Of what?

A. People suing cigarette companies.

Q. You saw that in the early '70's?

A. It was sometime in the '70's. I don't say it's the early '70's.

Q. Was it something that passed your desk, or was it something you were looking up, or what?

A. No. I looked it up.

Q. You went to some source there in the office and looked up some information on suing cigarette companies?

A. Yes.

Q. Why?

A. I was interested in it.

Q. Why were you interested in it?

A. Well, I don't know.

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Q. Well, come now, Mrs. Faulkinbury. You can maybe do better than that in terms of why you decided to look up something on the subject, maybe. Was it because of your husband's health that triggered this interest in you?

A. Yes.

Q. That was at the time when Mr. Faulkinbury had chronic obstructive pulmonary disease and emphysema?

A. Yes.

Q. And since you worked in a law office, there was material available to you; and you simply looked up some information on suing cigarette companies?

A. Yes, and their medical books.

Q. Is the Harkness firm -- is that plaintiffs' lawyers?

A. Yes.

Q. They regularly represent people who are suing for personal injuries or for death?

A. That's some of the things they do, yes.

Q. Is it your recollection that the only serious effort to stop smoking that was made by Mr. Faulkinbury was in two or three months during the year 1977?

A. That's the longest time he quit.

Q. Are you aware of any other times when he tried to quit?

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A. Yes. I told you he had quit -- he would quit a few hours, or maybe a day, and then --

Q. Is that the only time that he quit, for as much as a day, that you can remember?

A. Well, there were several times he did that.

Q. I'm understanding your testimony to be that on several, or multiple occasions, he might quit for several hours or a day. And my next question is, is this time in 1977 the only time that you can remember when he made an effort to quit and sustained that effort for more than a day?

A. Well, no. There were other times when he was in the hospital he couldn't smoke maybe two or three days or more.

Q. Is this the only time that you can recall that he would have quit and kept quitting for as much as a week?

A. I'd probably say yes.

Q. Is this the only time, in 1977, that you can remember that he stopped smoking and he -- when he wasn't in the hospital and unable to smoke because of being in the hospital?

A. For how long?

Q. For as much as -- more than a day.

A. I'd say yes.

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Q. Did Virge ever go to any kind of smoking clinic?

A. No.

Q. Did he ever seek any kind of doctor's help in stopping smoking?

A. No.

Q. Did he ever go to any courses or anything involving things like hypnosis or behavior modification or anything that was oriented to receiving professional assistance --

A. No.

Q. -- in stopping?

A. No.

Q. Now, on this occasion that you've referred to in 1977, what did he do? He just quit cold turkey, so to speak?

A. No. He had no choice. He had to quit.

Q. Why was that?

A. Well, he had heart failure; and he didn't have any cigarettes for a long period of time.

Q. This time in 1977, when he quit for two or three months, did that start when he was in St. Michael's Hospital?

A. After he had the heart failure.

Q. When he started quitting that time, was he in

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the hospital?

A. Yes.

Q. Now, our records that we have secured from the hospital indicate that on about February 20, 1977, Mr. Faulkinbury was admitted to the hospital by Dr. Robinson and by Dr. Davis, St. Michael's Hospital, and his diagnosis was chronic obstructive pulmonary disease superimposed upon pulmonary infection and atrial flutter. Is that the time that you're talking about?

A. Yes.

Q. And you'll recall that's the time where he went home for a day or so and he came back and had an ulcer; right?

A. Yeah.

Q. And he was admitted that time because he had had progressive shortness of breath and breathing difficulty and his arms and legs had begun to swell up for several days before he was admitted?

A. Yes.

Q. And the doctors in fact advised him that his condition was critical in late February and March of 1977?

A. Yes.

Q. Is it accurate that he only stayed home a day or two between the time he was discharged from that

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hospitalization and the time he went back in with a massive bleeding duodenal ulcer?

A. I think he went home one day and I took him back early the next morning.

Q. And he had an ulcer, and he was bleeding. It was bleeding?

A. Yes.

Q. So between those two hospitalizations, except for that day when he went home, day or two, he was actually in the hospital from about the 20th of February 1977, until about the middle of March 1977; right?

A. Well, it was something like that, yes.

Q. Well, wasn't it February 20 through March 14, 1977?

A. Well, I don't remember what day he got out, unless I look at the records.

Q. Okay.

A. Yes.

Q. Those dates are right? February 20 through March 14, with a day or two at home?

A. Yes.

Q. Now, Mrs. Faulkinbury, that means that for, on, the first three weeks of that time he was in the hospital, are you saying that he persisted in his effort to quit smoking for another month or two after being

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discharged from the hospital in the middle of March?

A. Yes.

Q. And then what happened?

A. Well, he started getting one occasionally and then another one; and then he couldn't be around anyone smoking, because he would smell it and want the cigarette. No one was allowed to smoke around him. He finally just started back.

Q. Mrs. Faulkinbury, who else talked to Virge after '73 about stopping smoking, besides the doctors that you've told me and yourself and your older son?

A. My other two children.

Q. Evelyn and Karlton?

A. Karlton.

Q. Even though they were smokers themselves?

A. Yes.

Q. What did they tell him?

A. They just told him they thought he should stop.

Q. Did they, like you, do that repeatedly?

A. Yes.

Q. And continually over the years?

A. Yes.

Q. And did you urge and try to persuade Virge to quit from the onset of his pulmonary difficulty up until '82 or so?

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A. Yes.

Q. How about his sister? Did she talk to him about it?

A. I can't remember if she ever said it or not.

Q. How about his older brother?

A. He never was around him too much.

MR. STALLINGS: Is it all right with you, Mr. LaGarue, if we start at 8:30 in the morning?

MR. LaGARGE: That's fine with me.

(DEPOSITION CONCLUDED AT 4:30 P.M.)

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SIGNATURE OF WITNESS

I, MARGARET FAULKINBURY, solemnly swear or affirm, under the pains and penalties of perjury, that the foregoing 164 pages contain a true and correct transcript of the testimony given by me at the time and place stated, with the corrections, if any, and the reasons therefor noted on a separate sheet of paper and attached hereto, and that I am signing this before a Notary Public.

_____

MARGARET FAULKINBURY

THE STATE OF TEXAS]

Subscribed and sworn to before me, the undersigned authority, by the said MARGARET FAULKINBURY on this the ____ day of _____, 1986.

_____

Notary Public in and for the State of Texas

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THE STATE OF TEXAS)

CERTIFICATE

I, C. Dixon Towery, III, Certified Shorthand Reporter No. 2635 and Notary Public in and for the State of Texas, do hereby certify that I am not related to or employed by any of the parties hereto, or their counsel, and that I am not in any way interested in the outcome of this matter.

I further certify that the above and foregoing contains a true and correct transcript of the testimony.

Certified on August 20, 1986.

C. Dixon Towery, III
CSR No. 2635
2900 Smith, Suite 104
Houston, Texas 77006
(713) 523-3767

My Certificate Expires January 1, 1987.
My Notary Commission Expires March 9, 1988.

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